

CA20N  
EAB  
-H26



Ontario

# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 222

DATE: Thursday, June 28, 1990

BEFORE:

A. KOVEN, Chairman

E. MARTEL, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

**EARR &**  
ASSOCIATES  
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4





CA20N  
EAB  
-H26

EA-87-02



# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 222

DATE: Thursday, June 28, 1990

BEFORE:

A. KOVEN, Chairman

E. MARTEL, Member


FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

**FARR**  
ASSOCIATES &  
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4





Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761116523986>



HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the  
Honourable Jim Bradley, Minister of the  
Environment, requiring the Environmental  
Assessment Board to hold a hearing with  
respect to a Class Environmental  
Assessment (No. NR-AA-30) of an  
undertaking by the Ministry of Natural  
Resources for the activity of timber  
management on Crown Lands in Ontario.

-----  
Hearing held at the offices of the Ontario  
Highway Transport Commission, Britannica  
Building, 151 Bloor Street West, 10th Floor,  
Toronto, Ontario, on Thursday, June 28th,  
1990, commencing at 9:00 a.m.

-----  
VOLUME 222

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH )	MINISTRY OF NATURAL
MS. K. MURPHY )	RESOURCES
MR. B. CAMPBELL )	
MS. J. SEABORN )	MINISTRY OF ENVIRONMENT
MS. B. HARVIE )	
MR. R. TUER, Q.C. )	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA )	ONTARIO FEDERATION OF
DR. T. QUINNEY )	ANGLERS & HUNTERS
MR. D. HUNTER )	NISHNAWBE-ASKI NATION
MS. N. KLEER )	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI )	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS )	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS )	ONTARIO TRAPPERS
MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER )	OUTFITTERS ASSOCIATION





APPEARANCES: (Cont'd)

MR. L. GREENSPOON	)	NORTHWATCH
MS. B. LLOYD	)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK	)	MUNICIPAL COMMITTEE
MR. D. SCOTT	)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR	)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL	)	GREAT LAKES FOREST
MR. S.M. MAKUCH	)	
MR. J. EBBS		ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM - ASSOCIATION OF ONTARIO
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD	)	
MR. R. REILLY		ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY





APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DALE MUNRO,</u>	
<u>MICHAEL R. INNES,</u>	
<u>WAYNE DOUGLAS YOUNG,</u>	
<u>LEN SUOMU,</u>	
<u>RICHARD DEAN FRY, Resumed</u>	40226
Continued cross-Examination by Ms. Kleer	40226
Cross-Examination by Mr. Hanna	40263





I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1277	Handout prepared by the OFAH entitled Two Generic Classes of Timber Management Effects.	40350



1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR:- Please be seated.

3 MR.-COSMAN: Madam Chair, I have  
4 instructions that will allow me to respond to your  
5 question.

6 MADAM CHAIR: Which one was that, Mr.  
7 Cosman?

8 MR. COSMAN: That was with respect to Mr.  
9 Colborne's attendance in Toronto and his request to  
10 make submissions.

11 If I may, what I would propose to do is -  
12 as he is here and will be departing shortly, I  
13 understand - just to tell you what I have come up with.

14 MADAM CHAIR: All right. Do you think it  
15 would be faster if we gave you our decision on how we  
16 want to proceed with this and then you could...

17 MR. COSMAN: All right. I suppose it all  
18 depends on whether or not you would find it helpful to  
19 hear what I have to say before making that decision.

20 MADAM CHAIR: Go ahead, Mr. Cosman. You  
21 want to tell the Board something.

22 MR. COSMAN: Yes. Madam Chair, what I  
23 have tried to do and, as you know, what my problem is,  
24 is I want to be helpful to the Board and at same time  
25 - be courteous to Mr. Colborne and at the same time



1 protect the rights of our client, and I think I have  
2 come up with a way that will accomplish all three in an  
3 expeditious fashion.

4 Yesterday's date was arranged to suit Mr.  
5 Colborne who had come to Toronto from Thunder Bay. He  
6 is not responsible for the failure to give notice. It  
7 was arranged some time last week, I presume. Mr.  
8 Colborne has had the opportunity to review with his  
9 client, receive instructions and travelled to Toronto  
10 after receiving instructions.

11 Now, I wish I had that same opportunity,  
12 but I didn't, but it doesn't matter for present  
13 purposes. The reason counsel is reluctant for one side  
14 to make submissions without having the notice and  
15 having the right to prepare to respond is that the  
16 Board, although it recognizes it must hear all parties,  
17 making a decision, goes away having heard only one side  
18 and is under the impression there may be something in a  
19 submission that's made when it hasn't heard the other  
20 side. That's the difficulty.

21 As counsel we are reluctant for a Board  
22 to say: You go ahead and some time later we will deal  
23 with someone else. They haven't had the balance of  
24 submissions.

25 Now, withstanding this, I have spoken to

1 my client and I am prepared to consent to allow Mr.  
2 Colborne to make his submissions to save him from  
3 making a separate trip. All that I ask is to be  
4 afforded the very right that was afforded to Ms.  
5 Swenarchuk, that in one minute state what our position  
6 is with respect to her application and all submissions  
7 have been -- can be reserved under whatever order you  
8 make at some other time, and I say I can do it in less  
9 than a minute and, in our submission, our position will  
10 be very clear.

11 This has been a timber management hearing  
12 from day one. Some parties weren't sure of it, they  
13 came to the Board, they asked: Isn't this a forest  
14 management hearing, there was submissions, argument and  
15 the Board decided: No, this is a timber management  
16 hearing. Another party wasn't happy, came to the Board  
17 to change the purpose of the undertaking so it is just  
18 not to provide wood to the mills but to provide  
19 employment in northern Ontario, change it, the Board  
20 said no.

21 Madam Chair, nothing has changed. Your  
22 duties are the same as they were at the outset and this  
23 whole idea of raising a political matter with you is  
24 just ill conceived.

25 My position is you have no jurisdiction

1 to deal with it and it's unfair to put it before you,  
2 and whether I as a citizen welcome it or not, and I do,  
3 is something else, but as far as this application is  
4 concerned or so-called application, since we don't have  
5 anything before you clearly, there is nothing to it.

6 Those are my submissions and that's my  
7 position.

8 MADAM CHAIR: Thank you, Mr. Cosman.

9 MR. FREIDIN: Madam Chair, I would like  
10 to have one minute and might be able to avoid taking up  
11 any more time of the Board on this matter.

12 I can indicate that I agree with the  
13 submission made by Mr. Cosman, but to deal with the  
14 point raised by Ms. Swenarchuk who wanted some  
15 clarification of a matter of concern to her client, I  
16 have instructions from my client that a response in  
17 writing will be given to Ms. Swenarchuk addressing the  
18 issue properly raised by the Minister in her letter in  
19 the paragraph that you referred to. I believe in that  
20 response the concerns which you raised yesterday will  
21 be addressed.

22 In those circumstances, Madam Chair, I  
23 believe that it is appropriate not to deal with the  
24 matter further and to proceed hearing evidence on Panel  
25 10.



1                   MADAM CHAIR: Thank you, Mr. Freidin.

2                   Well, I think your less than a minute  
3 submission has touched on the matter that concerned the  
4 Board yesterday and that the Board was not considering  
5 last night of opening the hearing to another large  
6 discussion about whether this is a timber management  
7 hearing or forest management hearing because we have  
8 dealt with that in the past.

9                   However, the Board was concerned with the  
10 timing of the announcement about Dr. Pearse's  
11 announcement on forest policy review as it affected the  
12 parties, as it affects Mr. Cosman's clients who are  
13 finishing its case, as it affects Forests for Tomorrow  
14 who is preparing its case and other parties to follow,  
15 and we thought that it was unfair that parties should  
16 be facing that kind of uncertainty at this point in the  
17 hearing with respect to their evidence, and that's the  
18 issue that concerned the Board about everything that  
19 came out last night.

20                   We were prepared today to recommend very  
21 strongly that the proponent get that clarification as  
22 quickly as possible to the parties, and had there been  
23 any delay to the parties as a result of not getting  
24 clarification, then we were prepared to hold the  
25 proponent responsible for that sort of matter, but you

1 have responded that you have committed to respond  
2 quickly and we must now trust that you will get that  
3 clarification to the parties. Of course the Board is  
4 also interested in the clarification.

5 MR. FREIDIN: I will provide a copy of  
6 that response to the parties here and to the Board.

7 MS. SWENARCHUK: Can we have some  
8 indication of when we will obtain that, Madam Chair.

9 MR. FREIDIN: The Ministry will do  
10 everything possible to have that response and in Ms.  
11 Swenarchuk's hands by the end of next week.

12 MADAM CHAIR: Ms. Swenarchuk, is that  
13 satisfactory?

14 MS. SWENARCHUK: Yes, thank you.

15 MADAM CHAIR: Thank you.

16 Mr. Colborne?

17 MR. COLBORNE: May I have one minute?

18 MADAM CHAIR: Yes, Mr. Colborne.

19 MR. COLBORNE: Perhaps five, but not more  
20 than five.

21 The reason I ask is because it seems that  
22 most of the parties have in the procedural discussion  
23 had an opportunity to state in a nutshell what they  
24 wanted to say, and considering the fact that the  
25 Ministry of Natural Resources will be responding, I

1 suggest that I also have that opportunity so it will  
2 better assist them in assessing what ought to be in the  
3 response so they do respond to the concerns of the  
4 parties.

5 I came here thinking that some direction  
6 from the Board may be appropriate, not thinking  
7 necessarily that a formal motion was the way to proceed  
8 in these circumstances, and probably that is because  
9 there is clearly a question of the type that Mr. Cosman  
10 has alluded to, where exactly this would fit within the  
11 jurisdiction of the Board but, on the other hand, there  
12 is no question that there is very large question mark  
13 out there. So it is something that requires -- calls  
14 out for clarification.

15 Just by the way, I didn't specially  
16 travel to Toronto for this, I don't want that left on  
17 the record, but I was in Toronto on other business.

18 Now, a motion had been made and I was  
19 prepared to bring a motion, if necessary. I would have  
20 been asking for two types of order; one would have been  
21 that the proponent define in writing to the Board and  
22 to all the parties the connection, if any, or the  
23 distinction between the two processes. I think that  
24 would have been an appropriate kind of relief to ask  
25 for. It has certainly become mute, but saying it now



1       it may assist in the preparation of the written  
2       document that is going to be prepared.

3               Secondly, I would have asked for an order  
4       requiring that Dr. Pearse and all of those most  
5       centrally responsible for producing his report at each  
6       stage, if I understand it there will be various stages,  
7       be produced as witnesses. However, that second form of  
8       relief, as it were, might depend in part on the exact  
9       definition or the connection or difference between the  
10      two processes.

11              Now, why would I have asked for those  
12      answers. The reason I would have done so is because  
13      from the beginning I have been putting forth on behalf  
14      of my client two extremely difficult questions which  
15      ought to be addressed here, and I recognize that it is  
16      controversial, whether they should be or shouldn't be  
17      in and in what fashion and those two questions are,  
18      first of all, whether the treaty and aboriginal rights  
19      that my clients enjoy, which are constitutionally  
20      entrenched, which have been affirmed again and again,  
21      including very recently by the Supreme Court of Canada,  
22      which are land rights, which are the only land rights  
23      of any party here except the Crown, that they must be  
24      dealt with in any management planning and not dealt  
25      with as if Indians are just some other interest group.

1 That's one point that I have tried to stress  
2 throughout, and a difficult one.

3 The second one is that the forest  
4 industry produces for the economy of Ontario a profit  
5 each year in the neighbourhood of a billion dollars, it  
6 is from a public resource, whereas a large proportion  
7 of my clients live in the forest on welfare.

8 There is something desperately and  
9 completely wrong in those circumstances and I want that  
10 dealt with and that raises this horrendous allocation  
11 question which the proponent, I suggest, has been  
12 trying to avoid.

13 Trying to avoid first by defining it out  
14 of the process; trying to avoid it, secondly, by  
15 seeking an order excluding consideration in effect of  
16 that difficult issue; seeking to avoid it, thirdly, by  
17 refusing to negotiate that issue, and I fear -- and I  
18 hope that is in the clarification that we obtain.

19 I fear that the Pearse initiative may be  
20 in part another effort to draw those really difficult,  
21 really hard questions out of this forum and to offer  
22 you, Madam Chair, an opportunity to not have to come to  
23 grips with those questions, but to say: Well, they are  
24 being dealt with in another forum, always the other  
25 forum, a hundred years of other forums.

1                   The thing that is distinctive about this  
2       forum is that it's independent and that it can make  
3       binding orders, and that's why it is potentially  
4       disastrous for my client to have their very difficult  
5       concerns shifted from an independent tribunal, which  
6       could make binding orders, into some kind of yet  
7       another fuzzy governmental study.

8                   Those are my comments. Thank you.

9                   MADAM CHAIR: Thank you, Mr. Colborne.

10                  I think we have disposed of that matter.

11                  MR. COSMAN: Certainly, Madam Chair, if  
12       Mr. Colborne brings the motion and asks for the relief  
13       that he said he would have brought, I would respond to  
14       the argument when he raised it.

15                  MR. FREIDIN: And we will do that at five  
16       o'clock.

17                  MR. COSMAN: That's right.

18                  MADAM CHAIR: All right. Just two quick  
19       matters, Ms. Kleer.

20                  The first is that the Board will be  
21       issuing some time today its direction on the  
22       presentation of the order of presentation of cases to  
23       follow Forests for Tomorrow. I think that should be  
24       available some time this afternoon.

25                  A final issue that's concerning the Board



1 is the matter of Dr. Jack Ward Thomas and Mr. Chris  
2 Mazer. The Board is very cognizant of the fact that  
3 Forests for Tomorrow is preparing its case, obviously  
4 they are running into some road blocks with respect to  
5 how they will use these witnesses and if these  
6 witnesses will be produced.

7 Mr. Hanna, what is the latest?

8 MR. HANNA: Madam Chair, I indicate to  
9 the Board that I would make ever effort to get back to  
10 you on this matter. I also indicate when this matter  
11 was discussed originally that I was -- I think my words  
12 were perplexed that this matter was brought forward at  
13 such a late date, seeing that the matter was well known  
14 to Forests for Tomorrow. If Forests for Tomorrow wish  
15 to put it at this time, they have to face the  
16 consequences of that.

17 I have spoken to Dr. Thomas. Dr. Thomas  
18 was concerned about what I told the Board myself, but I  
19 do not have in my hands a piece of paper that I can  
20 come forward and bring to the Board. I kept Mr.  
21 Turkstra informed, I kept the Board's secretary  
22 informed in terms of what is taking place.

23 I have every expectation that piece of  
24 paper will be coming forward shortly. I do not have  
25 that at the present time. Dr. Thomas indicated he

1 would send that forward to me and as soon as I have  
2 that information I will make it available to the  
3 parties.

4 I think the Board can appreciate,  
5 however, that I am in a very awkward position going to  
6 someone in other jurisdiction, someone harassed by  
7 calls that were not necessarily perpetrated by myself.  
8 I have this very difficult situation I am facing, going  
9 to this person in another bureacracy with no vested  
10 interest in speaking to Ontario and I am simply asking  
11 him to do it, how should I say, on his own goodwill.

12 We are paying his expenses and whatever  
13 he has to get his obligation to come and speak, but it  
14 is hard to say: Give me a piece of paper. I just  
15 cannot force him in any way to provide that paper to  
16 me. I have every expectation it is coming and I will  
17 provide it to the Board as soon as I can. That's all I  
18 can do.

19 MADAM CHAIR: Are you aware whether Dr.  
20 Thomas will indeed appear on behalf of the OFAH?

21 MR. HANNA: Madam Chair, I will say it to  
22 you again, that's my understanding, but I understand  
23 what the Board has said very clearly in the transcript  
24 in the last session that the Board would like a piece  
25 of paper.

1                   I would like a piece of paper also and  
2           that's what I am attempting to do, but I just cannot  
3           force Dr. Thomas to sit down and write a piece of  
4           paper. It just isn't appropriate.

5                   MADAM CHAIR: Has Dr. Thomas said to you:  
6           Yes, he will come as a witness for your client?

7                   MR. HANNA: Yes, Madam Chair.

8                   MADAM CHAIR: All right. Then we assume  
9           that's finished and there are only the arrangements to  
10          make with respect to however you want to deal with  
11          that.

12                  MR. HANNA: Yes, Madam Chair, but I will  
13          present to the Board a piece of paper of course to  
14          confirm that and as soon as I have that correspondence  
15          I will provide it to all parties.

16                  MADAM CHAIR: All right. That takes care  
17          of one half of the matter we discussed but we still  
18          have to deal with Mr. Mazer.

19                  MS. SWENARCHUK: We are attempting to  
20          pursue other routes to take care of that matter and I  
21          don't have anything to put forward to the Board at this  
22          time. I hope I will have that.

23                  I just object strongly to the suggestion  
24          that we are harassing Dr. Thomas. I spoke with him  
25          three years ago in Toronto. I just want to formally

1 object to any suggestions that Forests for Tomorrow has  
2 been harassing Dr. Thomas. We spoke to him three years  
3 ago in Toronto and that was the beginning of our  
4 communications with him.

5 We were not aware that the Federation of  
6 Anglers & Hunters was communicating with him in good  
7 faith and we too will continue to communicate in that  
8 manner. That has been the total sum of our  
9 communication.

10 MADAM CHAIR: Thank you, Ms. Swenarchuk.

11 Well, given that we are going on our  
12 summer recess starting today, if something -- a matter  
13 should arise with respect to you calling Mr. Mazer and  
14 there is a problem because you are preparing your case,  
15 the Board would be prepared to receive written  
16 submissions from the parties if it turns out that some  
17 other method is needed to produce Mr. Mazer as a  
18 witness.

19 MS. SWENARCHUK: Thank you.

20 MADAM CHAIR: The Board has the option of  
21 oral submissions, as you know, or written submissions  
22 and we would do the latter to assist if you should run  
23 into difficulties.

24 MS. SWENARCHUK: Thank you, Madam Chair.

25 MADAM CHAIR: Panel 10.



1 Ms. Kleer?

2 MS. KLEER: Madam Chair, Mr. Martel.

3 WAYNE DOUGLAS YOUNG,  
4 LEN SUOMU,  
5 DALE MUNRO,  
6 RICHARD DEAN FRY,  
7 MICHAEL R. INNES, Resumed

8 CONTINUED CROSS-EXAMINATION BY MS. KLEER:

9 Q. I have a few follow-up questions on  
10 the senior level policy committee for Mr. Innes, so I  
11 will start with that. What will be the relationship  
12 between the output from the senior level policy  
13 committee to the development of timber management  
14 plans?

15 MR. INNES: A. Madam Chair, the  
16 relationship is one that we would have hoped been  
17 changed in terms of having the policies which the  
18 Ministry of Natural Resources has relative to timber  
19 management being examined and being relevant to that  
20 resource, and should there be advice provided, we hope,  
21 through the senior policy level committee to the  
22 Ministry, we would expect that the direct contribution  
23 of that would be in terms of the policies being  
24 relevant to the management of the resource.

25 Q. But it won't, or will it, actually  
looking at timber management plans or commenting on  
timber management plans; nothing to that extent?

1 A. That is quite correct, Ms. Kleer.

2 No, I would not expect this committee would examine  
3 individual timber management plans unless they wanted  
4 to look at a generic type of thing to understand the  
5 process used in translating policies into action at  
6 field level.

7 Q. All right. I have a list of examples  
8 that I want to find out from you whether or not they  
9 would be within the terms of reference, shall we call  
10 it that, of the policy committee, the senior level  
11 policy panel.

12 So the first of these is whether or not  
13 the timber production policy should be reviewed. Would  
14 that be something considered by this committee?

15 A. I would think so, yes.

16 MR. MARTEL: Can I ask a question then.  
17 If the government -- would that be in terms of any type  
18 of recommendation from the committee with respect to  
19 government policies? Is that what you are looking at?

20 MR. INNES: That is correct, Mr. Martel.

21 MR. MARTEL: For a change or so on?

22 MR. INNES: Specifically, sir, for  
23 relevance.

24 MR. MARTEL: I didn't hear you.

25 MR. INNES: Specifically to make sure

1 that the policy is relevant in light of societal needs.

2 MR. MARTEL: Okay, thank you.

3 MR. KLEER: Q. Would it consider such a  
4 thing as whether or not MNR or Industry or some  
5 combination thereof should be responsible for  
6 regeneration?

7 MR. INNES: A. I would think that the  
8 senior level policy committee would examine the  
9 existing relationships in terms of how does the  
10 Ministry of Natural Resources accomplish its mandate  
11 and, as a result, that would be a part of that; for  
12 example, forest management agreements is one mechanism  
13 to assure a part of that wood load and the Crown has  
14 other arrangements, be it through direct contracts, be  
15 it through carrying out the work itself.

16 So the mechanism of translating policy  
17 into results would be of interest I would think  
18 inasmuch as, for example, the forest management  
19 agreements are a policy decision to proceed in that  
20 fashion.

21 Q. So, then, you would also agree that  
22 the whole notion of FMAs and perhaps the history of  
23 FMAs and how they were established and whether or not  
24 they should continue, whether the numbers of FMAs  
25 should be decreased or increased or simply disbanded

1 would also be something that this policy committee  
2 would consider?

3 A. Madam Chair, I have no idea to what  
4 the depth of discussion would be in these matters at  
5 this level.

6 The intention of the forest industry in  
7 suggesting that such a committee be formed would be  
8 that discussion would be at a policy level and, as  
9 such, I can't advise the Board how far the Ministry of  
10 Natural Resources might like to get into details of  
11 this type of arrangement.

12 From our point of view, it would be dealt  
13 be on a conceptual level of what is an appropriate way  
14 to accomplish results of timber management in this  
15 province.

16 Q. Well, you mentioned how far MNR would  
17 want to get into detail, so is it going to be in the  
18 end decided by the Deputy Minister who is involved in  
19 this committee as to whether or not a particular policy  
20 matter is going to be the subject of review?

21 If a party comes forward and suggests it,  
22 who is going to decide whether or not that should be  
23 something that's considered?

24 A. I would suggest that it would operate  
25 like any committee does, under a set of instructions or



1 terms of reference which would have to be put together  
2 and those terms of reference, in our mind, would be  
3 structured by the Ministry of Natural Resources in  
4 terms of providing direction to the senior level policy  
5 committee and, therefore, its operation would be  
6 governed by that.

7 MR. MARTEL: Who would establishe the  
8 terms of reference?

9 MR. INNES: Mr. Martel, it would probably  
10 be done by the Ministry of Natural Resources, in my  
11 estimation, although it could equally, sir, in my mind  
12 flow from this Board should you wish to do that.

13 MR. MARTEL: My concern is, unless that's  
14 spelled out, it can be totally as the discretion of one  
15 individual and that's possible, hopefully that wouldn't  
16 be the case. Maybe the committee itself establishes it  
17 or someone, but that I think should be flushed out,  
18 otherwise there is a danger of only input from one  
19 source maybe.

20 MR. INNES: That's an excellent comment,  
21 sir. I must admit that we have not got down to writing  
22 a whole frame of reference to this things.

23 What we have in mind is something that is  
24 conceptual in terms of an advisory level, committee and  
25 policy level since we see a gap there in terms of

1 nothing being there at the current time to bring things  
2 together dealing with the milieu of the forest, but  
3 it's quite possible that the committee itself could  
4 form its terms of reference, it's quite possible the  
5 Ministry of Natural Resources could, it's quite  
6 possible the Board in fact could do that.

7 MR. COSMAN: I can assist the Board in  
8 view of the question from Mr. Martel. We will  
9 certainly take it under consideration in preparing our  
10 final terms and conditions.

11 MS. KLEER: Q. Wouldn't you agree, Mr.  
12 Innes, that with respect to the other parties who are  
13 participating in this hearing, if this body doesn't  
14 have that level of detail, for instance, the terms of  
15 reference that we have been talking about, doesn't it  
16 make it very difficult for them to determine whether or  
17 not this is going to be a useful body and also,  
18 therefore, for the Board to consider that question  
19 because if you are putting forward something that's  
20 supposed to promote public consultation, without  
21 knowing what it's going to do, it makes it -- it could  
22 simply be a useless body that stands for public  
23 consultation but does not in fact accomplish that?

24 So all I am asking is, don't you agree  
25 that that has to be something before the Board for them

1 to consider in determining whether that would be useful  
2 to any or all of the other parties represented here?

3 MR. INNES: A. Madam Chair, I have heard  
4 interest expressed by both Ms. Kleer and Mr. Martel  
5 that this would be useful and I think that's a very  
6 interesting suggestion for us to take back.

7 As Mr. Cosman says, we will consider it  
8 in our final terms and conditions where we can add more  
9 detail in the process.

10 Q. All right. Then on that note,  
11 perhaps I can suggest another area that you might want  
12 to consider; and that is, whether or not this body  
13 should deal with the present allocation scheme for  
14 timber and to determine whether or not that allocation  
15 scheme satisfies the timber needs of native communities  
16 in northern Ontario.

17 I simply put that before you and you can  
18 simply take it as a suggestion or comment upon it.

19 A. Thank you for the suggestion.

20 Q. Okay. Now, I would like to turn to  
21 the integrated resource user committee and I ask a few  
22 questions about that.

23 For the Board's reference, they might  
24 wish to turn to page 13 of the witness statement.

25 Mr. Innes, how much time do you

1 anticipate one meeting would take? Is that something  
2 you considered? Would these be -- just on the order of  
3 magnitude, would it be a day, would it be a week, would  
4 it be part of a day?

5 A. Madam Chair, I would suggest it is  
6 something in the order of a day to two days for these  
7 types of meetings to be held, although, with your  
8 permission, I would like to ask whether there are any  
9 other suggestions from our group of colleagues here.

10 MR. MUNRO: A. Madam Chair, I think  
11 initially the meetings could perhaps take a little  
12 longer in terms of bringing the members up to speed on  
13 what the resource programs are and how they interact.

14 So I think once that's established, for  
15 those members that are going to be there for the term,  
16 the meetings could be more condensed and I don't see  
17 them going much more than a day once they speed up and  
18 they understand what the process is.

19 Q. Would the member who would sit on  
20 this committee be different or the same as the senior  
21 level policy committee?

22 MR. INNES: A. At the IRUC level, Madam  
23 Chair, it would be a different member. The structure  
24 of the IRUC, although it parallels the senior policy  
25 level, it is meant to have a person who comes from



1 within that region and reflects the local concerns of  
2 that region, rather than a broader aspect of the senior  
3 policy level.

4 Q. When I read the witness statement it  
5 wasn't clear to me as to whether or not these people,  
6 like, on the senior level policy committee would be  
7 paid for attending these meetings and for travel  
8 expenses. Is that --

9 A. The intent we lay before you, Madam  
10 Chair, is that payment be made and for travel expenses.

11 Q. And, again, you can't comment, I take  
12 it, upon what would be required -- or if money were  
13 required beyond that, whether or not that money would  
14 be available; in other words, preparation time?

15 A. Both for the sake of consistency and  
16 answering in fact that I don't know, the answer is no,  
17 I really don't. I'm not prepared to comment on that.

18 Q. Again, the way I understand the  
19 evidence, the person who is to sit on this committee  
20 would not be appointed by the interest group or the  
21 native organization, in our case, but would in fact be  
22 appointed by the Ministry of Natural Resources; is that  
23 correct?

24 A. No, Madam Chair, that is not correct.  
25 We have suggested that the Ministry of Natural

1 Resources is responsible for obtaining membership on  
2 the various organizations as appropriate for both the  
3 IRUC, the senior policy level and the local citizens  
4 group.

5 In the case of the IRUC and the senior  
6 level policy committee, we are suggesting that the  
7 Ministry contact that organization, and in light of the  
8 current discussion with terms of reference I would  
9 presume, and ask them to appoint somebody of an  
10 appropriate level within the organization to represent  
11 on either one of these committees.

12 Q. All right. Did you give any  
13 consideration as to what work would be required of a  
14 representative beyond attending meetings, given the  
15 fairly extensive list of responsibilities that we see  
16 at page 13 and which is also reiterated in terms of --  
17 reiterate and expanded, I would suggest, under the  
18 section headed Operation on page 14?

19 It seems to me it has got a very broad  
20 mandate and I guess I'm questioning whether or not you  
21 have considered how that representative is going to  
22 fulfill those responsibilities in the limited amount of  
23 the time that you have suggested would be available to  
24 - them in an effective way. Has that been considered?

25 A. Yes, Madam Chair, we did consider

1 that very carefully and I'll agree with Ms. Kleer that  
2 it could well be an onerous job for somebody to sit on  
3 a committee, at the regional level especially, with  
4 that agree of work being undertaken.

5 In that respect, we suggested in our  
6 evidence package that the Ministry of Natural Resources  
7 act as a secretariat; in other words, there has to be  
8 preplanning done and preparation of packages of  
9 material and there is going to have to be stuff sent  
10 out prior to the meetings coming up, and there is going  
11 to have to be summaries made of what did happen and  
12 things to take away for the members so, in fact, they  
13 can work and contribute to this partially on their own  
14 time.

15 So we see it as a heavy committee, but we  
16 see the necessity as a result of self-support from the  
17 Ministry of Natural Resources to have this committee  
18 function effectively in the way they see is necessary.

19 Q. Would you agree that for a  
20 representative to be credible to its constituents they  
21 would be required to do more than simply look at, for  
22 example, the MNR compliance monitoring reports and  
23 wouldn't they have to do something beyond that, such as  
24 their own independent reviews of that, perhaps calling  
25 in experts to look at that?

1                   Has that been something that you would  
2           anticipate a member of such a committee being required  
3           to do?

4                   A. I would doubt that would be  
5           necessary, Madam Chair. I would -- and I doubt how  
6           practical that would be to undertake that level of  
7           effort on an individual basis. It would seem to me to  
8           be possible -- let me step back a point here.

9                   As I said, MNR would act as a secretariat  
10          and the information would be compiled and presented to  
11          the IRUC in a form that was digestable, shall we say.  
12          I would assume that would be provided prior to a  
13          meeting to individuals on this committee so they can  
14          study it at their leisure.

15                   I would further assume that this would be  
16          discussed at the actual meeting itself when they  
17          arrived and, at that point, if there was a agreement  
18          that there was problems in credibility in terms of  
19          understanding, in terms of lack of completeness the  
20          IRUC would collectively require, and ask MNR to assist  
21          them in some way, at that point I might see it  
22          appropriate that outside assistance be prepared or that  
23          a field trip will be necessary or something of that  
24          nature would happen on behalf of the IRUC, but not on  
25          behalf of an individual as Ms. Kleer, I think,



1 suggested.

2 Q. That is what I suggested. I guess --  
3 I've heard your answer. My concern, then, becomes --  
4 well, is this body not simply going to result in - I  
5 will say it - rubber stamping MNR's decisions?

6 Are they going to have that kind of --  
7 are they going to have the capacity to do an  
8 independent analysis of what's put before them? It  
9 seems to me it is all going to be prepared by MNR, they  
10 are not going to have any opportunity to really  
11 critically look at it.

12 A. If that was the case, Madam Chair,  
13 there would be no point in having this committee. This  
14 committee is structured in such a fashion and is  
15 specifically put in place expressly for the idea of  
16 having disclosure of all information, having review of  
17 the information by a public body and getting around the  
18 problem that Ms. Kleer is talking about here.

19 There is no intent whatsoever that it  
20 would be a rubber stamp type of committee and there is  
21 every intent that it would be most diligent in  
22 examining information and understanding the process and  
23 providing a forum for problem solution and suggesting  
24 to MNR whatever in fact must happen to do that.

25 As an indication of that, Ms. Kleer, we

1 have suggested that the IRUC may want to establish  
2 inter-disciplinary teams for the very purpose of trying  
3 to get at problems and make sure that what they  
4 perceive as a problem is rectified and is to their  
5 satisfaction, such that the management programs can  
6 be -- not only seem to be, but actually effective in  
7 producing results and producing motion toward  
8 accomplishment of the goals and objectives.

9 Q. Would those inter-disciplinary teams  
10 receive funding as well? Is that something you have  
11 considered?

12 A. Certainly I see no way they could  
13 operate without funding.

14 Q. All right.

15 MADAM CHAIR: A question of  
16 clarification, Mr. Innes. Is it possible that any  
17 timber management plan -- it is not clear to me from  
18 how the IRUC is described, is it possible for timber  
19 management plans not to go through the IRUC?

20 MR. INNES: No.

21 MADAM CHAIR: They must always go through  
22 that?

23 MR. INNES: That's correct, Madam Chair.  
24 This is, if you will, a process through which each  
25 timber management plan must pass.

1 MADAM CHAIR: And you have obviously  
2 given thought to the possibility that getting through  
3 the IRUC channel as part of this process won't act as a  
4 barrier, there won't be a delay in terms of getting  
5 that information through?

6 MR. INNES: That's a very real concern,  
7 Madam Chair, and it is going to have to be structured  
8 in a way that we can pass through in a meaningful  
9 fashion, and that's why we've talked about the  
10 preplaning and bringing it to the IRUC early and  
11 bringing it back a second time.

12 So there is an opportunity to rectify  
13 problems before they become something major in terms  
14 of....

15 MADAM CHAIR: Are you suggesting that  
16 there be a permanent secretariat to the IRUC from MNR,  
17 that somehow the work of this committee be that they  
18 have a secretariat group of people to provide all the  
19 support they need for their work?

20 MR. INNES: Madam Chair, we have not  
21 responded to what the Ministry of Natural Resources  
22 must do and how support would be structured.

23 What we have merely said in our evidence  
24 is that MNR act as a support mechanism - I use the word  
25 secretariat perhaps ill advisedly - as providing

1 necessary support to this group so that things may  
2 function smoothly and, in effect, provide information  
3 prior to the meeting, assist during the meetings and  
4 provide support after the meetings so they can  
5 effectively work on their own.

6 MADAM CHAIR: With the intention that the  
7 secretariat work under the direction of the IRUC.

8 MR. MARTEL: I believe both you and Mr.  
9 Munro have indicated that -- I think I heard you tell  
10 Mrs. Koven that in fact you would look at timber  
11 management plans.

12 I don't know how long it takes to review  
13 a timber management plan, but we have heard some  
14 evidence from people from MNR who, in fact, were  
15 involved in reviewing plans. I just wonder how you  
16 keep it under a day and how many plans might come  
17 before one of the committ -- the IRUC committees.

18 MR. INNES: Mr. Martel, I would like to  
19 have Mr. Munro talk about how we prepackage this in  
20 terms of assisting the IRUC to make in workable, as we  
21 thought very carefully about this, sir.

22 I want reiterate that, no, it isn't a  
23 rubber stamp committee. If it was, there is no point  
24 in having it. So that's not our intent.

25 Secondly, we tried to package what the



1 IRUC gets in terms of making it meaningful.

2 Mr. Munro, maybe you could assist the  
3 Board.

4 MR. MUNRO: Mr. Martel, if I can refer to  
5 the timetable again it might be of some assistance to  
6 you.

7 As Mr. Innes indicated, the group would  
8 meet four or five times a year, so that would allow us  
9 five days or ten days for the entire two-year period  
10 that you are preparing. In our process we have allowed  
11 four opportunities for formal type sit down and  
12 discussions. The first one occurs when we begin the  
13 process, part of preplaning, then get we go back to the  
14 committee after.

15 What we have allowed for through the  
16 course of that year is a distillation of the major  
17 considerations that go into a timber management plan  
18 and we have stressed significant problems and issues  
19 and we have stressed identified concerns by the public,  
20 we have stressed values.

21 So hopefully within that first year we  
22 have done a lot of the preplanning and we are in a  
23 position that, one, the regional committee understands  
24 the process, understands the values, understand what  
25 the background information is that we are working

1 under, what the integrated resource database is and key  
2 is they have the audit, independent audit available to  
3 them and they have the report of past operations and  
4 proposal for future directions.

5 So what we have essentially done in the  
6 first year is we have condensed all that information  
7 into three executive summaries. So in the first year,  
8 what the regional committee would have available to  
9 them is a condensed version of all the significant  
10 problems and issues, proposed solutions, as well as the  
11 objectives, targets and strategies going into the next  
12 year.

13 We have allowed two opportunities, but in  
14 our witness statement we have allowed ten days. So if  
15 there was a significant problems that was felt that the  
16 regional committee should address right away, there is  
17 no reason why they couldn't fit into this process  
18 somewhere where it was appropriate.

19 It could be after we submit it to the  
20 local advisory committee, people go: Gee, that is  
21 really important, we better get that sorted out, let's  
22 get that committee back together and let's run it by  
23 then one more time before we take it to the public, and  
24 that's why we have allowed for the extra days.

25 As we get into the plan production, we

1 have allowed that plan, so we produce the plan, take it  
2 to the advisory committee. Again, if there were  
3 significant problems and issues that needed to be  
4 discussed with that regional committee, we have allowed  
5 time for it in here. We haven't formalized it here.

6 After we present it to the general  
7 public, we take it back to the integrated resource user  
8 committee, put them to look at the significant problems  
9 and issues in the plan itself, and at that point we  
10 have allowed a considerable amount of time for more  
11 discussion if need be, thereby utilizing the eight to  
12 ten days that we have allowed. So we just addressed  
13 four more opportunities and there will be more informal  
14 opportunities if the need arose.

15 In answer to your question, could you  
16 review a plan in one day, the answer is probably no,  
17 but you could use the one formal day that we have  
18 allowed to get everything condensed into, and then you  
19 would take a look at the other days throughout the  
20 course of the year on as a needed basis.

21 MADAM CHAIR: That of course is for one  
22 plan?

23 MRS. MUNRO: Right. But there is -- a  
24 lot of the background information stuff, in terms of  
25 the regional committee, will be much similar.

1                   Take the northwest region that I deal  
2           with, once you have educated that committee on that  
3           regional concept, you can quite easily put other plans  
4           into it which is valuable from a plan author's  
5           perspective and from a public perspective because you  
6           get consistency.

7                   MR. MARTEL: The problem is, and I am  
8           trying to get a handle on it, my second was, in a  
9           region, how many timber management plans are people  
10          going to be looking at?

11                   I understood the process, but  
12          mathematically how -- for example, let's look at the  
13          northwest region, Red Lake and all those areas, how  
14          many plans are there for that region?

15                   MR. MUNRO: Just give me a second I will  
16          count them.

17                   MR. SUOMU: Mr. Martel, just in broad  
18          terms, I think there are approximately 1 or 12 over a  
19          five-year period so that would, in effect, be maybe two  
20          or two a year.

21                   MR. MARTEL: But that's FMAs, Mr. Suomu.  
22          What about --

23                   MR. MUNRO: And Crown units.

24                   MR. MARTEL: All units then?

25                   MR. SUOMU: Yes.



1                   MR. MUNRO: That would be the northwest  
2 region.

3                   MR. FREIDIN: Is that 11 or 12 for all  
4 units?

5                   MRS. MUNRO: I think so, Mr. Freidin.

6                   MR. SUOMU: It is just a rough estimate  
7 on my part here.

8                   MR. MARTEL: We've heard figures that  
9 there are 99 plans, Mr. Freidin?

10                  MR. FREIDIN: Ninety-nine management  
11 units.

12                  MR. MARTEL: Somebody is going to have a  
13 workload somewhere because we have got how many  
14 regions? Northcentral, northwestern, northeastern...

15                  MR. HUNTER: For and a half.

16                  MR. MARTEL: Somebody is going to have at  
17 least 20 or 25 of these.

18                  MR. FREIDIN: Twenty-two in the northwest  
19 region apparently, according to our material.

20                  MR. MUNRO: Some of them are inactive, I  
21 believe.

22                  MS. KLEER: That might be activated?

23                  MR. MUNRO: I think --

24                  MR. MARTEL: I am just saying that I am  
25 not sure how carefully that's been looked at because in

1 fact --

2 MR. MUNRO: It is a real concern of ours,  
3 but it is no different than the current process.

4 MR. MARTEL: Except it isn't the public  
5 group that's doing it now, it is primarily civil  
6 servants at one level or another who are in fact doing  
7 it.

8 MR. MUNRO: That is in fact true. And  
9 what we were hoping by our process is that we will get  
10 early determination of problems and issues before we  
11 actually start to produce the plan, and thereby we will  
12 have a much condensed understandable plan at the end by  
13 taking care of all that background information.

14 A lot of the background information, as I  
15 mentioned, is consistent through those entire  
16 management units. Now, if there is 22, there are some  
17 that are inactive and if it is 11 that are active,  
18 there is a consistent pattern that the regional group  
19 could deal with.

20 As Mr. Freidin indicated yesterday, there  
21 is some consideration of phasing plans in and out, so  
22 that we do get them on a very structural time frame  
23 where we don't have 11 plans in the northwest region  
24 all at one time. I think there is some opportunity for  
25 getting the process more fluid, if you will.

1 MR. MARTEL: More days, it sounds like  
2 it.

3 MADAM CHAIR: Excuse me, Mr. Munro, for  
4 clarification. Why would a management unit be  
5 inactive? Maybe I should put this question to the  
6 Ministry of Natural Resources, but...

7 MR. MUNRO: In some cases there is no  
8 harvesting. The units haven't been developed yet.

9 MADAM CHAIR: I see.

10 MR. INNES: There is no access.

11 MR. MUNRO: There is no demand for the  
12 wood at the present time, so there is no access and the  
13 plan -- the units are sitting there but there is  
14 nothing happening on them from a timber perspective.

15 MS. KLEER: Q. Mr. Munro, just for a  
16 point of clarification on the northwest region, did you  
17 say there were 11 inactive units?

18 MR. MUNRO: A. I'm not sure. Mr. Suomu  
19 tells me there is 11 active, somebody else told me  
20 there was 22 --

21 MR. SUOMU: A. We should let the  
22 Ministry answer those questions in terms of --

23 Q. All right. I just don't want to  
24 leave that impression. you don't know?

25 MR. MUNRO: A. No.

1 Q. And the northwest region also extends  
2 beyond the north boundary of the area of the  
3 undertaking?

4 A. Quite correct. It does go, I  
5 believe, up to the Hudson Bay.

6 Q. So some of those inactive units might  
7 fall north of that boundary?

8 A. Again, I can't answer that. I know  
9 where my little chunk of the ground is and I intend to  
10 deal with that.

11 Q. All right. Just another  
12 clarification. From a native person's point of view,  
13 if you want somebody representative to sit on this  
14 committee, have you considered whether or not such a  
15 representative person is going to be able to take off  
16 even five days, even ten days per year?

17 Let's say they sit on executive council  
18 of Nishnawbe-Aski Nation, do you have any idea what the  
19 job responsibilities are for those people?

20 A. I have to admit I don't know what  
21 those people would do.

22 Q. So you don't know whether or not  
23 somebody who would be capable of and would be best  
24 suited to do this kind of work wouldn't even have the  
25 time to do it?



1                   A. I would assume, Madam Chair, if it is  
2                   important enough and of interest that -- like most  
3                   people, we are busy, we are all busy doing our own jobs  
4                   and raising our families and five days out of a year  
5                   for something as important as timber management  
6                   planning, I don't think that's a large committee.

7                   Q. All right. One final question. Is  
8                   the purpose of this committee for a native  
9                   representative to represent its constituents, however  
10                  that native organization -- whichever native  
11                  organization we are talking about?

12                  A. I would defer that back to Mr. Innes,  
13                  he is the authority on the membership.

14                  MR. INNES: Q. So the question is, is  
15                  that person, the representative of the native  
16                  organization, there to represent his or her  
17                  constituents?

18                  MR. INNES: A. Yes, Madam Chair, that  
19                  would be the purpose.

20                  Q. So, then, one of those purposes might  
21                  be for that person to say with respect to a particular  
22                  community they are very concerned about a particular  
23                  aspect of a timber management plan?

24                  A. Yes, Madam Chair, that would be  
25                  appropriate.

1 Q. Sorry, I do have one further  
2 question. Independent reviews that we talked about --

3 MR. COSMAN: The audits?

4 MS. KLEER: Q. No, I'm talking about  
5 independent reviews suggested by the parties or the  
6 representatives on this committee, either one or, as  
7 you have suggested, all a joint recommendation.

8 How is that going to fit into your time  
9 frame because if you have to bring in technical experts  
10 to do an independent review they can't whip that off in  
11 two weeks; would you agree?

12 MR. INNES: A. Madam Chair, they might  
13 or they might not, as my friend says, whip it off in  
14 two weeks.

15 I have no knowledge of what the time span  
16 would be to undertake whatever study is required.  
17 However, the more important point is, if there is a  
18 problem of significance and if that problem has to be  
19 resolved in order to get effective timber management, I  
20 think whatever time is necessary, whatever steps are  
21 necessary have to be undertaken to try and solve that  
22 problem.

23 What we are looking for is a mechanism  
24 whereby it follows our raise to a perceptible level and  
25 some action is taken, either in the short -- immediate

1 to short or longer term, to bring forward the  
2 resolution to that problem and that's the intent of  
3 those inter-disciplinary teams and I think it is a  
4 worthwhile intent.

5 So it may be that, for example, a part of  
6 an area would have to be left in abeyance until the  
7 problem could be involved, but that is better than  
8 sweeping the problem under the rug and I ignoring it  
9 until it comes up the next time or in five years time.

10 Q. Okay. Let's turn now to the local  
11 citizens committee. Again, I wasn't clear on the  
12 witness statement. Travel expenses and remuneration,  
13 will they be covered?

14 A. Yes, that is correct, Madam Chair.

15 Q. All right. My first substantive  
16 question relates to the relationship between the local  
17 citizens committee and the general public who comes to  
18 the open house.

19 Let's posit the example of a person who  
20 comes to that open house, sees the local citizens  
21 committee's comments highlighted and disagrees. Isn't  
22 that person going to be in a difficult position and  
23 perhaps somebody daunted to say: Well, I know they  
24 have considered it, but I think differently?

25 What kind of interaction is there going

1 to be between the local citizens committee and members  
2 of the general public?

3 A. Madam Chair, I am not sure I know how  
4 to answer that in terms of interaction.

5 First of all, I don't think anybody  
6 should be daunted by making public input in this  
7 province and that's the point of the planning process,  
8 is to allow for public input and we welcome public  
9 input and we want public input, and the two information  
10 centres are specifically designed to allow that  
11 process, as is under our proposal the responsibility of  
12 the plan author to talk to people who have indicated an  
13 interest in the planning process and whatever specific  
14 item they may bring forward.

15 I would think that the comments of the  
16 local citizens committee would be of great interest to  
17 an individual from the general public in terms of  
18 providing some background with which to begin a  
19 discussion with the plan author and, in that particular  
20 case, I think that would be quite useful.

21 I would see no reason why an individual,  
22 if that individual wanted to, could not arrange through  
23 the Ministry of Natural Resources or through the plan  
24 author to speak with the local citizens committee in  
25 terms of how his or her view point differs from theirs,



1 should that person think that to be a useful exercise  
2 to go through, and it could be a very useful one. '

3 In fact, that individual may have more  
4 information which he or she would like to share with  
5 the local citizens committee.

6 We also, Madam Chair, have provided, as  
7 you heard in detail I hope, an opportunity for enhanced  
8 planning since that local individual raise a concern,  
9 which is different from what's in plan. The  
10 opportunity is there under the enhanced planning  
11 process to have that individual heard and his or her  
12 concern documented in a way that provides meaningful  
13 input, and if not satisfied use bump-up.

14 Q. Now, I guess at this point you do not  
15 know what the time constraints would be or proposed  
16 time for such committee, or have you come up with any  
17 estimates of what you think would be a reasonable  
18 amount of time they would to spend on this committee?

19 A. Madam Chair, I am personally not able  
20 to answer that.

21 Mr. Munro, could you assist the Board  
22 with a time estimate.

23 MR. MUNRO: A. Just to -- that's hard to  
24 say. We have worked with advisory committees before  
25 and what we find is people are willing to dedicate the

1 time that it takes to get a good plan together, in some  
2 - cases that can occur relatively easy, if other cases it  
3 takes longer. So to specify a time allotment would be  
4 very difficult at this time.

5 I think what we have to remember, though,  
6 is that we are dealing with local people and people not  
7 very -- they don't have to travel a great distance to  
8 come and there is no reason why a lot of these couldn't  
9 take place in the evening as opposed to the entire day  
10 or on the weekends.

11 I couldn't see a meeting of the advisory  
12 committee going much more than a day at any given point  
13 and then the plan author and the district manager would  
14 go away and redue stuff and perhaps bring it back. It  
15 would be very difficult. It would depend upon how  
16 significant the problems and issues are and how  
17 difficult resolutions would be or what is the  
18 significance in terms of total impact on the particular  
19 district or on a particular region.

20 Q. For a remote native community that  
21 doesn't have any access to major centres or even less  
22 major centres, don't they have to fly in and fly out?  
23 - Won't that take them a little more time than just  
24 driving down in the evening?

25 A. Most of those communities would be

1 deemed inactive. I'm not sure there would be a plan  
2 prepared for them. In some cases there might be an  
3 element of remoteness for sure. We would have to look  
4 take a look at the specific locations of the native  
5 communities in relation to the plan we are preparing,  
6 and in many cases it's much quicker to fly than it is  
7 to drive.

8 Q. Yes, but you also have to have the  
9 plane there and there are certain schedules, you can't  
10 just hop on to a plane; correct?

11 A. There are many full planes available  
12 in northwestern Ontario. I can't see that being a  
13 problem.

14 MR. INNES: A. Madam Chair, I am sure  
15 what would happen in this case would be that  
16 committee's activities would be structured around the  
17 ability to get people to come to those meetings and  
18 should there be a travel constraint from whomever sits  
19 on the committee, I think they would have to work to  
20 accommodate that person, otherwise there is not much  
21 point in having the meeting.

22 Q. Will the local citizens committee  
23 have any input into prescriptions, development of  
24 prescriptions or is that going to be done solely by the  
25 plan author and technical committee?

1                   In the development of them, not once they  
2                   have been decided upon, but in the actual development  
3                   of them.

4                   A. Prescriptions for...

5                   Q. The value?

6                   A. For the values?

7                   Q. Yes. A heronry, a -- well, the  
8                   values that we have been talking about throughout this  
9                   hearing.

10                  A. Madam Chair, the answer has to be yes  
11                  to that in terms of values, as we see it in our  
12                  proposal, are dealt with or protected and/or enhanced  
13                  through the use of guidelines in this case.

14                  There is a role of the local citizens  
15                  committee in bringing forward suggestions that perhaps  
16                  the guidelines aren't adequate, perhaps they don't  
17                  reflect a local need, and to that respect they can  
18                  identify these to the IRUC and also directly, should  
19                  they want to, to the provincial technical committee and  
20                  ask that these be reviewed and, if necessary, changed  
21                  to more accurately reflect what's required in that  
22                  area.

23                  So in that respect yes, they would have  
24                  input into the change of what's there.

25                  Q. That's not what I'm asking. I'm

1 asking for a particular value for a particular -- a  
2 particular value in a timber management unit. You have  
3 got -- your value has been identified, who is going to  
4 develop the prescription, and I mean not review it  
5 after it has been decided upon, but develop it?

6 A. I understand your question. You are  
7 talking about, as I understand it, Madam Chair, a value  
8 for which there is no guideline, for example.

9 Q. No, I'm talking about ones for which  
10 there are guidelines because, as I understand it, a  
11 guideline doesn't necessarily tell you exactly what to  
12 do, it gives you guidelines, and there are a range of  
13 choices that are available to you.

14 A. That's right. Madam Chair, we see  
15 that in most cases, although not in all cases, there  
16 will be a range of choices provided within the  
17 guideline for which a management prescription would be  
18 chosen and that management prescription is chosen by  
19 the plan author in consultation with whatever technical  
20 experts are acquired, and those come back through  
21 the -- those are put into the plan and the plan is  
22 reviewed with the local citizens committee.

23 Q. So it is after the prescription has  
24 been developed that the local citizens committee will  
25 look to it?



1                   A. That's right. The local citizens  
2       committee has the opportunity to comment at that time  
3       and make suggestions for change should change be  
4       something which it wants to bring forward.

5                   Q. Now, you said in your evidence that  
6       the members of this committee are to debate the local  
7       concerns with plan authors.

8                   Won't you also have situations where the  
9       members will debate amongst themselves and not with the  
10      plan author, and do you see that as a potential problem  
11      that can develop on these local citizen committees;  
12      i.e., internal conflicts?

13                  A. Madam Chair, I am yet to be on a  
14      committee hasn't had internal conflicts and to that  
15      extent, yes, I am sure there will be lots of internal  
16      conflicts and I see that as one of the benefits, as we  
17      discussed yesterday, in having such a committee  
18      inasmuch as there is open exchange of information and  
19      hopefully a better understanding of views and a greater  
20      appreciation of local situations and values, and  
21      certainly that's the value of this committee, is to try  
22      and resolve any of those conflicts and to advise the  
23      plan author on what's relevant.

24                  Q. So it is supposed to be a consensus  
25      building body; is that fair?

1                   A. Madam Chair, I would hope that a  
2 consensus could be reached.

3                   Q. That's the goal of that body?

4                   A. The goal of the body is to provide  
5 advice to the plan author and hopefully that will  
6 arrive in terms of consensus.

7                   Q. Well, given that -- don't you see a  
8 potential problem for a member of a native community  
9 who comes forward to sit on one of these committees and  
10 doesn't have a complete understanding of what each  
11 member of that community does, where their timber  
12 management -- sorry, their trapline management areas  
13 are, where they hunt, where they fish, they don't know  
14 all of that, they come to this committee and  
15 suggestions are made by other members of the committee  
16 as to how a particular value should be protected and  
17 this person says: Oh, that seems fine, and then they  
18 find themselves going back to the community and a  
19 community members says: Why did you do that, or it  
20 comes out during an information centre held at a native  
21 community. Is that a potential problem?

22                   A. Madam Chair, I could envisage that  
23 hypothetical example happening to anybody, be it a  
24 native or non-native person and whether that's a  
25 problem or not I am not able to answer.

1 I think each of us that sits on  
2 committees and participates perhaps assumes some risk  
3 on behalf of society and I believe that's how our  
4 society works and I don't see anything wrong with that.

5 MR. MUNRO: A. Perhaps I could add for  
6 the benefit of the Board that that's part of the reason  
7 why we have made it mandatory that the plan author must  
8 consult with the interested individuals and that  
9 those -- a list of those interested individuals is  
10 provided to the plan author by the district manager.

11 Ms. Kleer's example of an individual  
12 trapper, it has been my experience that those people  
13 are identified as having an interest and, therefore,  
14 the plan author would have to contact those people if  
15 he or she was planning an activity adjacent or within  
16 their trapline, thereby we tend to get rid of that  
17 possible conflict that you were alluding to and  
18 individuals would be dealt with...

19 Q. I guess I have some understanding  
20 then -- or some difficulty in understanding how the  
21 local citizens committee is going to differ from the  
22 types of interactions that you have talked about and  
23 what will that add, because if a person is going to sit  
24 on that committee, they don't want to do it to  
25 reiterate what would otherwise come out in another

1 forum, they want it to be -- or it should be an  
2 effective means for contributing something additional  
3 to.

4 So what's additional about this local  
5 citizens committee?

6 A. Madam Chair, what's additional about  
7 the local citizens committee is the amount of effort  
8 and time that they would spend looking at the  
9 preplanning components and providing direction to the  
10 district manager and the plan author about how they see  
11 things going in their local area, what they see are the  
12 needs of their local societies, how they see themselves  
13 in relation to the timber management planning exercise,  
14 in a much broader framework than dealing specifically  
15 with an individual.

16 The other value that we see of the local  
17 citizens group is not all interested individuals want  
18 to participate, and just because somebody does not opt  
19 to participate doesn't mean that their potential  
20 concerns should be ignored.

21 We see the advisory committee as  
22 providing the plan author with some direction in that  
23 case, where they do have a value that -- to a  
24 particular individual and the local citizens group  
25 would act as a sounding board to ensure that that value

1 was properly protected.

2 MR. INNES: A. If I may add, Madam  
3 Chair, on page 9 of our witness statement we state that  
4 Industry believes the public is interested in resources  
5 planning and should be educated, and the education part  
6 and the involvement part happens through the committee  
7 structure as well.

8 MS. KLEER: All right, that concludes my  
9 questions. I thank you very much for your answers.  
10 Thank you, Board.

11 MADAM CHAIR: Thank you, Ms. Kleer.

12 Mr. Hanna, shall we take -- do you agree  
13 we could take the morning break now before you start  
14 your cross-examination?

15 MR. HANNA: I think that would be fine.

16 MADAM CHAIR: Is that convenient. All  
17 right. We will be back in 20 minutes.

18 ---Recess taken to 10:10 a.m.

19 ---On resuming to 10:30 a.m.

20 MADAM CHAIR: Please be seated.

21 Mr. Hanna?

22 MR. HANNA: Good morning, Madam Chair,  
23 Mr. Martel, Panel.

24 CROSS-EXAMINATION BY MR. HANNA:

25 Q. Panel, I am going to deal with some



1 general topics to start off with so that we have a  
2 common understanding, and then I am going to move into  
3 the details of your witness statement.

4 Before I even get into that though, I  
5 want to confirm my understanding as to your experience  
6 with environmental assessment and I am planning on  
7 posing this set of questions to each of the panel  
8 members.

9 Mr. Innes, you seem to be the favorite to  
10 pick on, so I think I will start with you and then I  
11 will follow around the table and ask the others.

12 MR. COSMAN: Madam Chair, when witnesses  
13 are qualified, they are qualified in a specific area  
14 and just from the perspective of these foresters who  
15 are involved in timber management, I have qualified  
16 them as such.

17 I have not qualified them as experts on  
18 environmental assessment as such, so that it might  
19 short circuit some of my friends questions. We are not  
20 pretending these are experts on environmental  
21 assessment. It just might save some time.

22 MR. HANNA: I appreciate that  
23 clarification, Mr. Cosman. As you know, I was here  
24 when they were qualified and I understand that;  
25 however, it is my understanding, Madam Chair, that this

1 is an environmental assessment hearing and that this is  
2 an environmental assessment, and so I am interested in  
3 hearing what they have -- what experience they have in  
4 that respect, not in way suggesting that they are --  
5 this is not intended to challenge their qualifications  
6 as timber management planners, but to see what  
7 qualifications they have associated with that as far as  
8 environmental assessment goes.

9 MR. MARTEL: Tell me why it is relevant,  
10 though, Mr. Hanna--

11 MR. HANNA: Certainly.

12 MR. MARTEL: --that line of questioning.

13 MR. HANNA: Certainly. I can give you an  
14 example, Mr. Martel, even before I get into that.

15 In the witness statement on page 7, to  
16 start off with, there is a statement in Section 2,  
17 paragraph -- Section 2.1, subparagraph (i) suggesting  
18 that the proposed system that the --

19 MR. MARTEL: Page 7?

20 MR. HANNA: Yes, this is page 7 in the  
21 main body. Not in the summary, Mr. Martel, but in the  
22 main body of the report.

23 Sub 2 -- or sub 1, excuse me, indicates  
24 that the system, the planning system that the Industry  
25 is proposing meets the requirements of the

1 Environmental Assessment Act and then turning over to  
2 page 8 sub 3, you will see that it also indicates that  
3 the system is suggested to meet and be consistent with  
4 the class environmental assessment approach. From that  
5 point of view I think it is relevant.

6 I also would submit to the Board that it  
7 is relevant irrespective of those statements in that  
8 the system that's being brought forward will comprise  
9 the class environmental assessment's structure that  
10 will be used for timber management planning in the  
11 province once the Board's approval is given, if  
12 approval is given.

13 In order for that class environmental  
14 assessment, which will become the timber management  
15 plans, to meet the Environmental Assessment Act, it has  
16 to comply with the Act and one of the things I want to  
17 understand from these gentlemen is the level of  
18 understanding they have of environmental assessment,  
19 the requirements in that respect or, at least, what  
20 experience they have had in attempting to interpret  
21 that Act from a planning point of view.

22 MR. COSMAN: In response, Madam Chair,  
23 the legal -- any system that is put before you and  
24 anything that is put before you must meet in the end  
25 the requirements of the Act, and I can advise you that

1 I have advised these witnesses, as we have advised the  
2 other witnesses and our client, as to what the legal  
3 requirements of that Act are.

4 In that respect, again, for what it's  
5 worth, it's up to you as to whether you wish to allow a  
6 line of questions on what these forester timber  
7 management planners know merely because the intent of  
8 the system is to meet the requirements of the  
9 Environmental Assessment Act, which is a legal matter,  
10 and have to be met in order for the approval of the  
11 entire Class EA can be done by you.

12 But, however, if my friend wants to  
13 establish what I have already said and you wish to give  
14 him the time to do so, of course I am not going to take  
15 objection.

16 MR. HANNA: Madam Chair, getting through  
17 the objection is probably going to take longer than the  
18 questions would have taken.

19 I am not planning on taking a long time  
20 on this matter, it's a matter of six questions -- seven  
21 questions to each panel member. They are very yes and  
22 no type questions and I expect this is not going to be  
23 a long and drawn -- I am not on planning making this a  
24 long and drawn out exercise.

25 MADAM CHAIR: All right. Why don't you

1 read your questions all at once, Mr. Hanna, and we can  
2 see if they can go through it very quickly.

3 MR. HANNA: All right.

4 Q. Have you prepared an environment  
5 assessment; what training do you have in environmental  
6 assessment techniques; what experience do you have in  
7 the use of predictive techniques to forecast and  
8 analyse environmental impacts; what knowledge do you  
9 have of different public consultation techniques that  
10 have implied in environmental assessment; what training  
11 do you have in the choice and application of public  
12 consultation techniques as used in environmental  
13 assessment?

14 What practical experience do you have in  
15 collecting, synthesizing and applying public  
16 consultation results in environmental assessment; what  
17 training do you have with respect to socio-economic  
18 impact assessment techniques as used in environmental  
19 assesement; what experience do you have in applying  
20 such techniques? Are you the primary architect of the  
21 planning system proposed by the forest industry.

22 Those are the set of questions, Madam  
23 Chair.

24 MADAM CHAIR: One clarification. I don't  
25 believe these witnesses have prepared an environmental



1 assessment.

2 MR. HANNA: I wish to confirm that with  
3 them.

4 MADAM CHAIR: You wish to ask them  
5 whether or not they have prepared an environmental  
6 assessment?

7 MR. HANNA: Have they ever prepared an  
8 environmental assessment.

9 MADAM CHAIR: Have any of the witnesses  
10 ever prepared an environmental assessment?

11 MR. INNES: Madam Chair, I can respond.  
12 In terms of -- I have participated in an environmental  
13 assessment when the Act was first promulgated. I was  
14 working for the Ministry of Natural Resources in the  
15 Huronia District near Barrie, Ontario and there were a  
16 large number of subdivisions going in there, in the  
17 farm land around there, and there was some  
18 environmental assessment activities that were  
19 undertaken which had a timber component to those and I  
20 assisted in preparing the background information in  
21 that light, but I have not completed a complete  
22 assessment from start to finish and all of the  
23 components therein.

24 MR. HANNA: Q. Mr. Innes, are you  
25 referring to an environmental analysis or an

1 environmental assessment that falls within the purview  
2 of the Environmental Assessment Act?

3 I am not aware with the subdivision  
4 having gone, at least in the early stages,  
5 Environmental Assessment Act through the process.

6 MR. INNES: A. Madam Chair,  
7 environmental analysis and an analysis of the  
8 environmental analysis was being carried out when I was  
9 involved with the assessment. I understand it, it fell  
10 under the terms and conditions of the Environmental  
11 Assessment Act and requirements there under.

12 Now, that's my understanding and as far  
13 as I can take it, Madam Chair.

14 MADAM CHAIR: You did --

15 MR. HANNA: Q. You are saying -- I'm  
16 sorry.

17 MADAM CHAIR: Of course you did this when  
18 you were with the Ministry of Natural Resources?

19 MR. INNES: That's correct.

20 MADAM CHAIR: Not in your capacity as a  
21 forest industry employee?

22 MR. INNES: That's correct, Madam Chair.

23 MR. HANNA: Q. Mr. Fry?

24 MR. FRY: A. I don't recall ever having  
25 participated in an environmental assessment, no.

1 Q. Mr. Munro?

2 MR. MUNRO: A. Again, when I worked for  
3 the Ministry I did participate in putting together an  
4 environmental assessment for access roads to MNR  
5 facilities, but that was so long ago I don't think I  
6 can remember too much about what I did.

7 Q. Mr. Suomu?

8 MR. SUOMU: A. I have been involved as a  
9 resource person in environmental assessment of the Reid  
10 undertaking and that was done for the establishment of  
11 the pulpwood -- or the pulp mill in Iroquois Falls. I  
12 was involved in providing background information to  
13 that process.

14 Q. Background information with respect  
15 to wood supply?

16 A. Timber management, yes.

17 Q. Mr. Young?

18 MR. YOUNG: A. Your question is: Have I  
19 prepared an environmental assessment? No, I have not.

20 MR. COSMAN: I take you are excluding the  
21 last three to four years of participation in this  
22 environmental assessment?

23 MR. HANNA: That's a fair comment, Mr.  
24 Cosman, yes.

25 MR. INNES: Madam Chair, I want to go

1 back, if I may. Mr. Hanna, is it restricted to this  
2 Act in this province?

3 MR. HANNA: I am interested in other  
4 experience you might have, Mr. Innes, certainly.

5 MR. INNES: I was involved in the  
6 environmental impact assessment as a requirement in  
7 Manitoba under their legislation, Madam Chair, which is  
8 ongoing at the moment, which I am closely allied with,  
9 and also we carried out environmental impact  
10 assessments in terms of pesticide use in Newfoundland  
11 in their operations there as a requirement under the  
12 their Environmental Assessment Act.

13 MR. HANNA: Q. And, Mr. Innes, do you  
14 have training in environmental assessment techniques,  
15 formal training?

16 MR. INNES: A. No, Madam Chair, I do  
17 not.

18 Q. Mr. Fry?

19 MR. FRY: A. No, I do not.

20 Q. Mr. Munro?

21 MR. MUNRO: A. No.

22 Q. Mr. Suomu?

23 MR. SUOMU: A. No.

24 Q. Mr. Young?

25 MR. YOUNG: A. No.

1 Q. What knowledge, Mr. Innes, do you  
2 have of different public consultation techniques that  
3 have been applied in environmental assessments in  
4 Ontario.

5 MR. INNES: A. Virtually no knowledge,  
6 Madam Chair.

7 Q. Mr. Friday?

8 MR. FRY: A. I have no knowledge of  
9 them.

10 Q. Mr. Munro?

11 MR. MUNRO: A. No knowledge.

12 Q. Mr. Suomu?

13 MR. SUOMU: A. No knowledge.

14 Q. Mr. Young?

15 MR. YOUNG: A. No knowledge.

16 Q. What training do you have, Mr. Innes,  
17 in the choice and application of public consultation  
18 techniques as used in environmental assessment?

19 MR. COSMAN: Is it formal academic  
20 courses or from the experience of working in the field  
21 for one's career with the public? What are you talking  
22 about?

23 MR. HANNA: Q. What formal training do  
24 you have, Mr. Innes?

25 MR. INNES: A. I have not received



1 formal training in environmental assessment public  
2 information gathering techniques.

3 Q. You have experience through  
4 participating in timber management plans, though, in  
5 public consultation open houses?

6 A. That is correct, Madam Chair.

7 Q. Have you experience in other types of  
8 public consultation?

9 A. Madam Chair, we have in terms of the  
10 design of information surveys as one through  
11 organizations that undertake that kind of information  
12 in the analysis of the data that's collected through  
13 those techniques, specifically directed towards forest  
14 management and public perception of those activities.

15 Q. The questionnaire type exercise?

16 A. That's correct, Madam Chair.

17 Q. You are familiar with the Environic's  
18 survey?

19 A. I am, Madam Chair.

20 Q. That would be the type of thing you  
21 are referring to?

22 A. That type of thing, but done by a  
23 different organization, Madam Chair, specifically for  
24 my company under our direction.

25 Q. Mr. Fry?

1                   A. Could you repeat the question,  
2                   please?

3                   Q. What training do you have -- what  
4                   formal training do you have in the choice and  
5                   application of public consultation techniques as used  
6                   in environmental assessment?

7                   A. I don't have any formal training in  
8                   it.

9                   Q. And is your experience any different  
10                  than Mr. Innes has given us in terms of practical  
11                  experience?

12                  A. Well, in terms of practical  
13                  experience, there is the -- having prepared timber  
14                  management plans, the exercise that one would go  
15                  through in obtaining public consultation in that  
16                  endeavour. I have also been a member of a -- and am a  
17                  member of a public advisory committee, a remedial  
18                  action program for Great Lakes. I have a little bit of  
19                  involvement in that area.

20                  Q. And which rap -- which rehabilitation  
21                  action plan are you involved with?

22                  A. Which area of concern? The  
23                  Pensinsula Harbor.

24                  Q. Mr. Munro?

25                  MR. MUNRO: A. No formal training from

1 an educational institute, other than having worked with  
2 a public participation and consultation process over  
3 the last 13 years.

4 Q. Through the timber management  
5 planning process?

6 A. That's correct, Mr. Hanna.

7 Q. Mr. Suomu?

8 MR. SUOMU: A. I have no formal training  
9 aside of my involvement in the timber management  
10 planning process over the last 23 years.

11 Q. Mr. Young?

12 MR. YOUNG: A. No formal training in the  
13 choice and application of public consultation. I have  
14 had practical experience in the last 11 years in timber  
15 management activities and public participation  
16 associated with those.

17 Q. Okay. Mr. Innes, what formal  
18 training do you have with respect to socio-economic  
19 impact assessment techniques as used in environmental  
20 assessment in Ontario?

21 MR. COSMAN: Madam Chair, I called a  
22 specific panel of economists to speak to socio-economic  
23 issues. I mean, we are certainly wasting the time of  
24 this panel, these people are not being put forward as  
25 experts on socio-economic issues.

1 I think if you asked -- allow the  
2 questions to be asked you will find they have  
3 experience, practical experience, but they are not  
4 being put forward for that expertise and I suggest that  
5 we are wasting a lot of time.

6 MR. HANNA: Madam Chair, the reason I ask  
7 these questions is that and, if you will, I will go  
8 back and give you transcript references, but repeatedly  
9 in past panels it has been said: We dealing with the  
10 details here in terms of the different things, such as  
11 social and economic impact, but it will all be  
12 integrated in Panel 10, that will be where you will see  
13 the system put together.

14 These are the, I expect, architects of  
15 the system and I want to understand what knowledge they  
16 had to use to construct that system.

17 Now, I accept what Mr. Cosman has said  
18 and these witnesses can simply respond, if that's what  
19 they so desire, say: I haven't any training, we relied  
20 on what Panel 4 said, or I haven't any training, I  
21 relied on what Panel 6 said, that's fine.

22 I want to understand what sort of  
23 knowledge these people have, these architects of the  
24 people system have in terms of these key elements in  
25 the system that they are proposing.

1                   MADAM CHAIR: Well, Mr. Hanna, the Board  
2                   has some idea of the experience of these witnesses  
3                   because this is the fourth day we have been listening  
4                   to them talk about their experience.

5                   I accept Mr. Cosman's objections. I  
6                   don't think a question about their formal training in  
7                   socio-economic methodology will be particularly helpful  
8                   and I think we can surmise what their answer will be.  
9                   Let's move on to the next question.

10                  MR. HANNA: Q. Mr. Innes, are you the  
11                  primary architect of the planning system proposed by  
12                  the forest industry?

13                  MR. INNES: A. Madam Chair, I have  
14                  certainly been involved with this right from the start  
15                  and I'm not sure whether I can yes to primary. I am  
16                  one of the major architects, along with the other  
17                  gentlemen on this panel.

18                  Q. Does this panel represent, then, the  
19                  primary architects of the planning system?

20                  MR. COSMAN: Madam Chair, an objection to  
21                  the question. What does he mean by primary architects?

22                  As you were advised, this system went  
23                  through a process of review and approval by the entire  
24                  Industry through various committee levels and  
25                  represents the viewpoints and experience, accumulated



1 experience of people working throughout the Industry in  
2 Ontario.

3 For what it's worth, if my friend wants  
4 to ask: Where those people who were involved, who had  
5 the centralized knowledge and/or centralized focus of  
6 putting it together, the answer is yes, as Mr. Innes  
7 said. I wouldn't want you to be left with the  
8 impression that five people got together on their own  
9 and did something.

10 This represents the position and system  
11 as proposed by Industry and that has been prepared in  
12 consultation with people with immense experience  
13 throughout -- in the operation of the forest industry  
14 in this province and in dealing with public in that  
15 regard in so doing.

16 MR. HANNA: Madam Chair, I take what Mr.  
17 Cosman has indicated to me. I guess I was looking at  
18 it in the context of the planning system that the  
19 Industry has put forward. We have plan authors and we  
20 have committees and we have all the different levels in  
21 the development, and I am looking at this question in a  
22 similar type of context.

23 I understand that it was not done in  
24 isolation from the other publics that the the OFIA/OLMA  
25 has to deal with, but these, if you will, the plan

1 authors.

2 MADAM CHAIR: Well, it is clear to the  
3 Board, Mr. Hanna, and we have received evidence already  
4 that these gentleman certainly are prepared to explain  
5 the plan and have been actively involved in the  
6 proposal, but we understand that it has been through a  
7 very long discussion with many people in the companies  
8 of the Industry these gentlemen represent.

9 MR. HANNA: The reason the question is  
10 important in my view, Madam Chair, is that the Board  
11 will ultimately be faced with evaluating different  
12 systems and evaluating the weight with which you give  
13 to the different opinions that are brought forward by  
14 all of the different parties.

15 And I think it is very important to  
16 understand the experience and basis upon which the  
17 system has been developed and, while we understand  
18 there has been all this review and whatever has taken  
19 place, it is very important to understand who actually  
20 were the people who put the pen to the paper and what  
21 level of knowledge and experience they have, and that's  
22 why I think it is important to ascertain if these are  
23 the sources of those thoughts and ideas.

24 MADAM CHAIR: Well, certainly the Board  
25 also appreciates the fact that the witnesses are

1 telling us that the Industry is proposing a system that  
2 will benefit Industry's needs with respect to timber  
3 management planning. I don't know whether all their  
4 individual opinions on how they put their mark on that  
5 plan will be all that helpful to the Board.

6 MR. HANNA: I am finished with that,  
7 Madam Chair.

8 Panel, having been an expert witness  
9 that's always an objectionable part of starting these  
10 things also, I hope you won't take it personally, but  
11 it is an important thing to determine.

12 I'd like now --

13 MR. COSMAN: We are looking forward to  
14 weighing the relative experience in this matter at the  
15 end of the day, Mr. Hanna.

16 MR. HANNA: We are all, Mr. Cosman.

17 Q. I would like now to deal with some  
18 general principles, so through the remainder of my  
19 cross-examination we are talking in the same terms. I  
20 think that's very important that we establish that.

21 I would like to turn to your witness  
22 statement to page 8 and that was the first place that I  
23 found this.

24 When I refer to your witness statement,  
25 by the way, Panel, I will be referring solely to the

1 main body of the text, I am not referring to the  
2 executive summary component, okay, so when I say page 8  
3 I'm talking about the main body.

4 I am looking on page 8 in Section 2.2  
5 under (i). You make a statement there:

6 "This level of planning involves the  
7 establishment of provincial goals,  
8 objectives, targets, strategies and the  
9 development of associated policies."

10 Throughout my cross-examination I expect  
11 to be referring to the concept of objectives, targets  
12 and strategies and goals and I want to make sure I use  
13 the terms in the same way the panel is using them.

14 In order perhaps to make this more  
15 efficient, I would like to turn to page B-2 of the --  
16 excuse me B-1 of the OFAH terms and conditions.

17 MR. HANNA: Perhaps, Madam Chair, just  
18 before I do this, there is just one point that I would  
19 like to put on the record.

20 Mr. Cosman should be thanked by all  
21 parties for the effort that he put in putting together  
22 the terms and conditions of all the parties and I  
23 certainly on behalf on my client appreciate the effort  
24 he did take in doing that.

25 I would note, however, that -- and I

1 expect this was totally without prejudice, but in  
2 preparing the summary for the Ontario Federation of  
3 Angler and Hunters' terms and conditions he  
4 inadvertently excluded the pages with the rationale and  
5 I am not -- as I say, I am sure it was without  
6 prejudice, but I think it is an important point to  
7 note, that the OFAH terms and conditions are printed on  
8 both sides of the page, I think I have explained this  
9 to the Board before, that on one side is the terms and  
10 conditions, on the other side, on the left-hand side is  
11 the rationale and unfortunately the left-hand side of  
12 the page was excluded.

13 MR. COSMAN: I can tell Mr. Hanna it  
14 wasn't done without prejudice. I had asked Mr.  
15 Shibitani to do it, he did it, and that's what I got,  
16 but if there is something that is inadvertently omitted  
17 I understand that document has been filed by you, in  
18 any event, as an exhibit. All right.

19 MR. HANNA: Madam Chair, the only reason  
20 I raise it at this point is I will be referring to our  
21 terms and conditions throughout my cross-examination.

22 The rationales, in my view, are important  
23 often in the witnesses' understanding of the term and  
24 condition. That's the whole purpose of the rationale  
25 and I will be referring to Exhibit 1125 as opposed to



1 the document, Exhibit 1270, that Mr. Cosman has filed  
2 with the Board.

3 Q. Panel, back to page B1, if I could,  
4 which is the first page of the appendix.

5 Mr. Innes, I think it is probably most  
6 efficient if I just deal with you on these questions.

7 MADAM CHAIR: Excuse me. Which exhibit  
8 are we on, Mr. Hanna?

9 MR. HANNA: That is Exhibit 1125, Madam  
10 Chair.

11 MADAM CHAIR: And these are your terms --

12 THE DEPONENT: This is Ontario Federation  
13 of Anglers and Hunters' terms and conditions.

14 MADAM CHAIR: That's 1125?

15 MR. HANNA: Yes, Madam Chair.

16 For these set of questions you can use  
17 1270 because it does have Appendix B in it. It is only  
18 in the future. These set of questions do not need the  
19 rationale --or there is not rationale associated with  
20 it, so it is not necessary at this point,

21 MR. MARTEL: It is the terms you are  
22 talking about?

23 MADAM CHAIR: Yes, OFAH's terms and  
24 conditions.

25 MR. MARTEL: Appendix B.

1 MR. HANNA: Yes, Mr. Martel.

2 MADAM CHAIR: We will have that after  
3 lunch, Mr. Hanna, Exhibit 1125.

4 MR. HANNA: Fine, Madam Chair.

5 Q. Now, looking there at the bottom of  
6 the page, Mr. Innes, there is a definition provided of  
7 the term objectives and I would like you to read that  
8 and to tell me if that is consistent with the way that  
9 you have used the term in your witness statement?

10 MR. INNES: A. Madam Chair, I have had  
11 read that as Mr. Hanna was speaking and it is not  
12 completely consistent with the way that we have used  
13 it. We have broken it down, as you have seen on page 8  
14 of the OFIA/OLMA witness statement, No. 1269, a little  
15 more explicitly in terms of goal, objectives and  
16 targets and we see this as a three-tier level.

17 And I think, Mr. Hanna, the way you have  
18 described it you include targets under objectives.

19 MR. FREIDIN: Sorry, what page were you  
20 referring to, Mr. Innes?

21 MR. INNES: Madam Chair, I was referring  
22 to page 8 of Exhibit 1269, Item 2.2, (i), which talks  
23 about provincial goals and objectives.

24 MR. FREIDIN: Thank you.

25 MR. INNES: If I may, I think there is

1       only a semantic difference between what Mr. Hanna and  
2       the OFAH have put together and what we have.

3               The way we understand it, a goal is a  
4       very broadly defined type of thing you want to achieve  
5       and perhaps we can do this with an example at the end;  
6       an objective is a sub-area of that goal which  
7       contributes to the overall goal; and a target is a very  
8       specifically identified, quantifiable achievement which  
9       you want to reach under a given objective.

10              I can provide an example which may help  
11       the Board and Mr. Hanna hopefully in understanding our  
12       definition of this; and that is, an overall goal may be  
13       to provide a viable moose population for the Province  
14       of Ontario, that's a goal, to have a healthy, viable  
15       moose herd and an objective under that would be to  
16       have, for example --

17              Q. 160,000?

18              A. I was going to say 3,000 moose in the  
19       northern region of MNR of the province. And a target  
20       under that objective may be to establish 5,000 hectares  
21       of suitable overwintering habitat for moose within the  
22       Cochrane District.

23              Madam Chair, is that sufficient?

24              MADAM CHAIR: Mr. Hanna?

25              MR. HANNA: It's very sufficient for me,

1 Mr. Innes, I appreciate that clear definition. It will  
2 assist me greatly in the remainder of my  
3 cross-examination.

4 Q. Just turning back, though, to the one  
5 there just for a second. In terms of the objectives  
6 and targets -- and I understand why you say that there  
7 is a semantical difference here because I have used the  
8 word targets in the definition of objectives here, but  
9 accepting that for the time being, would you agree that  
10 a key requisite of all objectives and targets is that  
11 their derivation is explicitly laid out, including all  
12 underlying assumptions, and that management performance  
13 is assessed by the degree to which the objectives and  
14 targets are achieved?

15 MR. INNES: A. Yes, Madam Chair, I would  
16 agree with that.

17 Q. Now, some other terms that I will be  
18 using in my cross-examination, and again I want to make  
19 sure we are consistent on this, Mr. Innes, is adaptive  
20 management and, again, that's defined in abbreviated  
21 form at the top of page B1 of the OFAH terms and  
22 conditions.

23 You have referred to adaptive management  
24 in your witness statement. Is the definition there in  
25 its abbreviated form and that that's provided by

1 Baskerville in his 1985 paper, which has been introduce  
2 as an exhibit in this hearing, is that consistent with  
3 your use of the word?

4 A. Madam Chair, may I just have a moment  
5 to read that.

6 MADAM CHAIR: Excuse me, are you saying  
7 the definition in your glossary is that used by Dean  
8 Baskerville in his publication?

9 MR. HANNA: Yes. It is intended, Madam  
10 Chair, to be an abbreviated description of Dean  
11 Baskerville's definition and that's why there is  
12 reference there made to his 1985 paper on adaptive  
13 management.

14 MADAM CHAIR: Thank you

15 MR. INNES: Madam Chair, that is  
16 essentially what the forest industry is talking in  
17 terms of adaptive management.

18 If it may help, I like one of the  
19 footnotes in the OFAH presentation, and I do not know  
20 whether it was filed or not, but there is a footnote in  
21 which they refer to adaptive management which says, if  
22 I can find it here.

23 Q. I think it is on page 19 you may be  
24 looking for.

25 A. Thank you Mr. Hanna. No, it's not.



1 Q. I'm sorry.

2 A. In which case they refer to the  
3 original source and the article of adaptive management  
4 by the author...

5 Q. Mr. Innes, I think you are referring  
6 to something that's not the terms and conditions?

7 A. That's correct.

8 MR. HANNA: I believe Mr. Innes is  
9 referring, Madam Chair, to the public information  
10 package that the Ontario Federation of Anglers &  
11 Hunters has prepared and attempted to circulate to as  
12 many members of the public as possible through the  
13 public open houses.

14 I believe it was actually referred to by  
15 one of the witnesses -- or several of the witnesses  
16 actually at the Fort Frances hearing. It's a  
17 compendium in layman's terms of the OFAH position and  
18 some of the key issues we are trying to address in the  
19 environmental assessment.

20 If has not been filed with the Board. If  
21 the Board so wishes and Mr. Innes is going to refer to  
22 it, I am quite prepared to file it, but it has not been  
23 filed at this point.

24 MADAM CHAIR: Is this the definition in  
25 that document the same as the definition in your

1 glossary?

2 MR. INNES: No, Madam Chair. At least I  
3 am unable to say whether it is or is not, Madam Chair,  
4 and what I would like to bring to the Board is --

5 MR. COSMAN: Perhaps just before Mr.  
6 Innes proceeds. We have a tendency to bury the Board  
7 in paper. It is never a legal requirement for a  
8 witness to file a document merely because he is looking  
9 to it for a source of information.

10 If all that is necessary here is that Mr.  
11 Innes in answering your question provides this is a  
12 good definition, I accept it, it is a source document  
13 and gives you and the Board what it is, that's all  
14 that's necessary.

15 Now, if someone wants to file it, that's  
16 another issue, but it is not necessary to be admitted  
17 because there is a reference to a piece of paper that  
18 he filed.

19 MR. HANNA: That's my understanding also,  
20 Mr. Cosman, and that's the reason I left it for the  
21 Board's option, whether or not they wished to have it  
22 filed.

23 MADAM CHAIR: To handle this matter, I  
24 don't think we need that to be done right now, but  
25 certainly you can refer to it.

1 MR. INNES: Thank you, Madam Chair. I  
2 was going to tell you precisely where our definition of  
3 adaptive management came from and it is as listed in  
4 this one here.

5 Adaptive management comes from Dr.  
6 Baskerville in the 1985 Forestry Chronicle article  
7 entitled Adaptive Management and Wood Supply, and our  
8 definition is as used in that particular article and I  
9 believe, Madam Chair, it is essentially as Mr. Hanna  
10 has laid out in Appendix B, but I'm not able to confirm  
11 it word for word.

12 MADAM CHAIR: We have that article as an  
13 exhibit; don't we?

14 MR. HANNA: Yes, Madam Chair. It starts  
15 on page 336 of Exhibit 378 which is the Panel 8 witness  
16 statement. So, yes, you do have it before you.

17 MADAM CHAIR: You've got a good memory,  
18 Mr. Hanna.

19 MR. HANNA: Something I refer to  
20 occasionally, Madam Chair.

21 MR. MARTEL: It is the bible; isn't it?

22 MR. HANNA: For some of us, Mr. Martel.

23 Q. All right. Just following up on this  
24 adaptive management issue, Mr. Innes, again so we have  
25 a clear understanding as we move through your witness

1 statement, you are of the view that adaptive management  
2 requires explicit cause/effect linkages.

3 MR. INNES: A. That is correct.

4 Q. And is it your view that adaptive  
5 management is based on the concept that local ongoing  
6 management actions or interventions are the primary  
7 scientific experiments and feedback and sources of  
8 knowledge to refine understanding of system performance  
9 and the explicit cause/effect linkages?

10 I can say it slowly again if you wish. I  
11 thought this might be just your bible also and you  
12 might be conversant with it.

13 A. I would appreciate a rerun of that  
14 question slowly. Thank you.

15 MR. HANNA: Q. The adaptive management  
16 approach uses the local ongoing management actions or  
17 interventions as the primary scientific experiments and  
18 sources of knowledge to refine understanding of system  
19 performance and the associated cause/effect linkages.

20 MR. COSMAN: I hope Mr. Innes has got it  
21 because I certainly haven't.

22 MR. INNES: I have it, Madam Chair.  
23 Madam Chair, I believe that's essentially correct. The  
24 only area which I would have a little bit of doubt is  
25 in terms of scientific experiments.

1                   That is not my understanding of the  
2           correct use of the word experiment, which is originally  
3           laid out scientific tests to test a certain hypotheses  
4           and I think in this case we are talking about ongoing  
5           management techniques which are applied and the results  
6           of those techniques are analysed in terms of system  
7           performance and, therefore, cause and effect linkages.

8                   If in fact we are talking about  
9           experiments, that would be done in a different level of  
10          detail to test a given hypothesis and would not be part  
11          of adaptive management in terms of the ongoing forest  
12          process.

13                   MR. HANNA: Q. So what you are  
14          suggesting to me, Mr. Innes, is there are two types of  
15          approaches to increasing our level of knowledge; one is  
16          through the direct feedback of the management  
17          interventions themselves, and the other is you may have  
18          parallel scientific experiments going on?

19                   MR. INNES: A. That's essentially  
20          correct, Madam Chair. They are two very distinct  
21          things. Scientific experiments really are the  
22          generation of new knowledge.

23                   Another totally different aspect which we  
24          are dealing with here is the field operational trials  
25          in terms of conducting operational activities and



1 observing in a structured fashion the results of those  
2 activities as they result in the achievement of  
3 results.

4 Q. And that would not result in the  
5 generation of new knowledge?

6 A. That will result in a refinement of  
7 techniques and a change of operational methods.

8 Q. Which will be based on the generation  
9 of new knowledge that you learn from undertaking  
10 activities and seeing how well they perform?

11 A. It may be a semantic difference,  
12 Madam Chair, but I'd suggest it is not the generation  
13 of new knowledge.

14 Q. I am at a loss as what then --  
15 perhaps it is semantical, Mr. Innes, but I would like  
16 to know what you mean by new knowledge. What is new  
17 knowledge? Is this when someone comes up with E equals  
18 MC squared, or however it goes?

19 A. Perhaps, Madam Chair, I can provide  
20 an example in that realm that may be helpful.

21 When scientists were and still are  
22 examining the makeup of the electron, they designed an  
23 experiment using a cloud chamber to find out what  
24 happened to electrons when they are under different  
25 systems of vacuum. At that time, they discovered the

1 biomeson and in fact the biomeson, which was something  
2 which had never been discovered before, was totally new  
3 knowledge generated through scientific experiment. It  
4 wasn't in fact generated by applying a technique in  
5 electricity to, say, operate a sanding device for the  
6 sanding of wood. Is that helpful?

7 MR. HANNA: I won't answer that question.

8 MR. COSMAN: Madam Chair, I promise not  
9 to re-examine on this issue.

10 MADAM CHAIR: Thank you, Mr. Cosman.

11 MR. HANNA: Q. Mr. Innes, I suspect, if  
12 fact I am certain that my cross-examination will last  
13 more than today.

14 I am going to come back to this issue,  
15 but I am going to ask you between now and some time in  
16 August if you could look to an exhibit that has been  
17 submitted to this Board. It has been authored by Dean  
18 Baskerville and I am going to guess at the exhibit  
19 number and I will check it over lunch and confirm it  
20 with you. The exhibit number I believe is 979 and it  
21 is a paper on cumulative impact assessment. It was  
22 authored by Dean Baskerville.

23 In fact, I will endeavour to get a copy  
24 and provide it to you before we rise today, and I would  
25 like to come back to this topic after you've had a

1 chance to read that paper. Have you read that paper?

2 MR. INNES: A. No, I don't believe I  
3 have, Madam Chair.

4 Q. Now, back to this adaptive management  
5 matter. I want to understand, is the Industry  
6 endorsing the use of adaptive management for managing  
7 both timber and non-timber values?

8 A. Madam Chair, inasmuch as we are  
9 talking about timber management and the timber  
10 management components of the other resources, the  
11 answer is yes.

12 Q. Mr. Innes, I just want to make it  
13 clear. We are on definitions and making everything  
14 clear so we can communicate well here.

15 I am limiting my questions, unless I tell  
16 you otherwise, to the timber management component of  
17 those non-timber values. I am not going to introduce  
18 tag quotas for moose or creel limits for brook trout, I  
19 am talking about that timber management component;  
20 okay?

21 A. Thank you.

22 Q. Now, I would like to turn to another  
23 term that I believe you use in your witness statement  
24 and that's the next on page B-1 which is bottom-up  
25 analysis. I think you actually use the term bottom-up

1 planning, but I think the words mean the same.

2 Can you examine that definition and see  
3 if that is consistent with the way that you have used  
4 bottom-up analysis and in fact top-down analysis is  
5 also described there, and if that's consistent with  
6 your view?

7 A. Madam Chair, I don't think that  
8 definition is consistent with what our understanding of  
9 those terms are because they are editorial comments  
10 contained within here, such as in the second sentence:

11 "By starting at the most disaggregate  
12 level of action being planned or  
13 predicted and aggregating the highest  
14 level..." and the editorial comment is,  
15 "...one is assured that decisions at all  
16 levels are consistent and feasible."

17 Here we are talking about in our evidence  
18 package two approaches in terms of aggregating from the  
19 bottom up and also feeding from the top down, but we  
20 are not making editorial comments as to whether they  
21 are in fact consistent and feasible.

22 Q. Okay. If I was to strike out, at  
23 least for the purposes of our discussion here, that  
24 clause that starts with "one is assured" and going  
25 through the feasible from the definition, would that

1 then be consistent with your definition?

2 A. Yes, provided the understanding is  
3 that it also applies to the top-down type of approach.  
4 It is a systems analysis starting at one end or the  
5 other, looking at it as a flow of information.

6 MADAM CHAIR: What's at the bottom and  
7 what's at the top, Mr. Innes? Is the bottom the  
8 management unit?

9 MR. INNES: Yes, we are talking about  
10 starting from a ground level--

11 MADAM CHAIR: Management unit.

12 MR. INNES: --management unit.

13 MADAM CHAIR: And the top is overall  
14 provincial policy?

15 MR. INNES: And the top would be the  
16 senior policy committee level and direction flowing  
17 from that level.

18 MR. HANNA: Q. And as I understand, you  
19 are proposing to go both ways?

20 MR. INNES: A. That is correct, Madam  
21 Chair.

22 Q. Can we now move to the definition of  
23 cumulative impacts and if you wish, if you don't feel  
24 comfortable in responding to this, I am quite prepared  
25 to let -- if you would prefer to read Dr. Baskerville's -



1 paper on cumulative impacts before responding to this,  
2 I believe that would be acceptable.

3 If I have run into a question where I am  
4 dealing with cumulative impacts before we rise today, I  
5 may have to skip over it and come to it the next time  
6 we meet.

7 A. Madam Chair, I would prefer to do  
8 that, if that's acceptable.

9 MADAM CHAIR: Yes.

10 MR. HANNA: Q. I would like to now look  
11 at habitat supply analysis, the definition that is set  
12 out there, to ensure that, again, when I make reference  
13 to habitat supply analysis, which I can assure you I  
14 will, is that a consistent definition of your  
15 understanding of what habitat supply analysis is.

16 MR. INNES: A. Madam Chair, I have no  
17 knowledge of habitat supply analysis and, therefore, I  
18 must accept the definition put before the Board.

19 MR. COSMAN: Don't go that far. You have  
20 no knowledge, we will stop there.

21 MR. INNES: I mean, if that, Madam Chair,  
22 is the definition that is being put forward for  
23 discussion and that's what we are discussing, I am not  
24 able to comment or understand habitat supply analysis.

25 MADAM CHAIR: You are simply

1 acknowledging this is Mr. Hanna's definition of habitat  
2 supply analysis.

3 MR. INNES: Yes.

4 MR. HANNA: Q. All right. Seeing you  
5 haven't got any predisposition in terms of a  
6 definition, when I refer to habitat supply analysis  
7 this is what I will mean by the term.

8 Now, in terms of priority sites, that's  
9 on the next page there, this term - and in fact I  
10 probably shouldn't admit it - it did come from  
11 discussions that we had with the forest industry and I  
12 was trying to think of a way not to call it areas of  
13 concern to avoid the potential confusion with the  
14 proposal that the Ministry of Natural Resources has put  
15 forward.

16 Can you look at that definition of  
17 priority sites and does that capture what you are  
18 suggesting with your enhanced planning process when an  
19 area becomes an area of concern?

20 MR. INNES: A. Can I ask Mr. Munro to  
21 assist in this matter?

22 A. I am quite prepared to have Mr. Munro  
23 respond.

24 MR. MUNRO: A. No, I would have to say  
25 it doesn't reflect what we call our enhanced planning

1 process in that there is no reference to the fact that  
2 we are willing to participate in an enhanced planning  
3 process where an individual has a concern regarding the  
4 application of a guideline and the protection of the  
5 value during the draft plan stage.

6 So we have added one more component on to  
7 it. The first two, (i) and (ii), appear to be the  
8 same.

9 Q. All right. Now, back to Mr. Innes.  
10 The next definition, and this is again something I will  
11 be referring to repeatedly through my  
12 cross-examination, and that is production  
13 possibilities. I believe you are familiar with that  
14 term. Can you look at this definition and confirm with  
15 me -- confirm for me that we can use this definition  
16 for the remainder of our discussion here?

17 MR. INNES: A. Madam Chair, I have  
18 difficulty with that definition inasmuch as there are  
19 production possibilities; in other words, things can  
20 can be created in the forest through non-intervention  
21 in terms of a blowdown in which there will be  
22 regeneration of the area naturally, for example, which  
23 are not dependent upon timber management activities.

24 A wild fire going through in a jack pine  
25 stand which is of the right age, on the right site with

1 cone-bearing attributes would create a new stand and  
2 that's not through invention on behalf of timber  
3 management activities that produce those things.

4 So to that extent I have some difficulty  
5 with the definition.

6 Q. Okay. What you are basically saying  
7 in environmental assessment terms is the do-nothing  
8 type of alternative. Can we accept that timber  
9 management may include no timber management; in other  
10 words, no activity? I think that's what you are  
11 telling me.

12 A. Yes.

13 Q. That may be one of the options?

14 A. It is broader than just what is here.

15 Q. Or you can look at timber management  
16 activities as one of the activities being do nothing;  
17 in other words, we've got harvest, renewal,  
18 maintenance, protection and nothing? That's what you  
19 are saying; is that not correct?

20 A. Not quite, Madam Chair. What I am  
21 saying is there may be a conscious decision taken to do  
22 nothing which, in effect, is do something.

23 For example, in a fire which has been  
24 very badly -- a stand which has been very badly budworm  
25 damaged, we may make a conscious decision not to

1 interrupt a wild fire with suppression tactics in that  
2 particular stand on the basis of there is no hope of  
3 salvage and we would get a new stand in there by  
4 letting the fire go through. So it's not totally  
5 nothing, if you understand what I am getting at.

6 It is a conscious decision not to do  
7 something in some cases, which is a management  
8 decision.

9 Q. Let's take the first sentence. Let's  
10 go through that one at a time because this is an  
11 important thing that we understand.

12 "Production possibilities are the suite  
13 of forest benefits that can be achieved  
14 from various forest structures created by  
15 timber management activities."

16 Let's take the forest -- the budworm  
17 damaged stand and the forest fire.

18 A. Yes.

19 Q. Now, the decision not to go in and  
20 control that fire, would that be a timber management  
21 activity in your view?

22 A. It's not an activity.

23 Q. Would it be timber management?

24 A. Madam Chair, yes, I would say it  
25 would be part of timber management.



1 Q. So I want to get a definition I can  
2 come back to if we run into rocky ground. Can we then  
3 say, take out activities and just have timber  
4 management in this definition?

5 Would that then accord with your  
6 understanding of production possibilities?

7 A. Madam Chair, I feel as though the  
8 weight of the world is descending upon me here.

9 If it is acceptable to you, Madam Chair,  
10 I would like to discuss these and to know what other  
11 definitions Mr. Hanna would like this panel to agree  
12 with. If that's possible, we can discuss it over the  
13 lunch break, we can come back to Mr. Hanna saying we  
14 agree with that or this or this with these changes, if  
15 need be, or without changes as may be appropriate.

16 I feel I am speaking on behalf of the  
17 panel without consulting my colleagues on this in areas  
18 which may be of considerable concern to us further on  
19 in Mr. Hanna's cross-examination. In order that we all  
20 understand these uniformly, it requires some  
21 discussion, I believe.

22 MR. MUNRO: Particularly the definition  
23 of production possibilities since it seems to allude to  
24 the fact that you can only have production  
25 possibilities by timber management and there are many

1 other things which you can do which will provide  
2 production possibilities in the living forest as such,  
3 and to restrict it to one asset of resource management  
4 would be improper.

5 MADAM CHAIR: Is the term production  
6 possibilities one that you use in your Industry?

7 MR. MUNRO: It's not one that I am  
8 familiar with.

9 MADAM CHAIR: What sorts of words do you  
10 use that approximate part of the meaning of production  
11 possibilities?

12 MR. INNES: Biological potential, site  
13 potential.

14 MR. MUNRO: Yield.

15 MADAM CHAIR: Yield.

16 MR. INNES: Management strategy.

17 MR. MUNRO: It's a difficult definition  
18 to agree on because it seems to be so broad and so  
19 narrow at the same time.

20 MR. HANNA: Q. Mr. Munro, coming back to  
21 the point that you made in terms of this matter of  
22 other activities that you can take to obtain forest  
23 benefits.

24 I accept that wholeheartedly and I  
25 thought I'd already dealt with that with Mr. Innes. We

1 are dealing with here timber management activities,  
2 there's four of them, and that's what these terms and  
3 conditions are designed to deal with and that's  
4 exclusively what they are designed to deal with.

5 They aren't designed to deal with setting  
6 harvest or season limits for fish or moose or any of  
7 the other activities that the Ministry of Natural  
8 Resources or other other agencies might undertake to  
9 get benefits from the forest.

10 I am talking here -- I think your term,  
11 Mr. Innes, is the timber component of those non-timber  
12 values.

13 MR. MUNRO: A. Madam Chair, I agree with  
14 Mr. Hanna, he was talking to that in particular;  
15 however, if you are going to speak of production  
16 possibilities, there is some inter-relationships with  
17 other things that must be considered with that  
18 definition.

19 MR. COSMAN: Madam Chair, I would suggest  
20 that I think Mr. Innes' request is fair. If any one  
21 can answer the question right off the top when  
22 something is put to them, they of course should; if  
23 they have to think about it and they can't right off  
24 the top answer it and want to reflect on it, especially  
25 here in a situation where we are dealing with a witness

1 panel not just a witness, it would be fair to give that  
2 witness the opportunity and Mr. Hanna would thereafter  
3 be given an answer to his questions.

4 MR. HANNA: Madam Chair, I have no  
5 problem with the suggestion. I want to make sure when  
6 they go away there was not some misunderstanding. I  
7 accept Mr. Innes' proposal. I will tell him the terms  
8 I want to deal with and they are two terms;  
9 traceability and tradeoffs decision.

10 So, Mr. Innes, you will consult with your  
11 fellow panel members and we will deal with that maybe  
12 after lunch.

13 MR. COSMAN: Is the question whether they  
14 agree with a particular definition of yours with  
15 respect to traceability and tradeoffs decisions, or do  
16 you just want them to come back and give you their own  
17 understanding of those terms.

18 MR. HANNA: Madam Chair, the reason I am  
19 raising this at this point is I will be referring to  
20 these terms throughout my cross-examination, and in the  
21 past I have found that often there has been unnecessary  
22 questioning resulting more from semantical  
23 misunderstandings rather than clear differences in  
24 principles and opinions.

25 What I want to establish is a clear set

1 of understanding of what one of these terms mean, so  
2 when it comes up in the understanding I don't have to  
3 go back and start working around it and making sure we  
4 are using the same term.

5 MADAM CHAIR: Mr. Hanna wants your  
6 understanding of what these terms mean to you.

7 MR. INNES: Madam Chair, if that's  
8 acceptable we will come back after the lunch break with  
9 our understanding of these terms.

10 MADAM CHAIR: We are asking you to  
11 sacrifice a lunch break.

12 MR. HANNA: Mr. Innes proposed it, Madam  
13 Chair, I didn't invoke it upon them.

14 MR. INNES: It was in self-defense, Madam  
15 Chair.

16 MR. HANNA: Q. Mr. Innes, I would like  
17 to deal now with another principle that we will be with  
18 throughout my cross-examination.

19 Now, would you agree that timber  
20 management is a planned intervention in the dynamics of  
21 the forest that influence the forest structure over  
22 time and space?

23 MR. INNES: A. Yes, Madam Chair I would  
24 agree with that.

25 Q. Through man's intervention of the



1 forest structure we are able to influence, to a lesser  
2 or greater degree, depending upon how much intervention  
3 nature decides to make in the game, future wood  
4 supplies; correct?

5 A. That is correct.

6 Q. Is it not true that many non-timber  
7 values depend totally or partially on the same forest  
8 structure that is being influenced through the timber  
9 management activities?

10 A. Would you repeat that, please?

11 Q. Is it not true that many non-timber  
12 values depend totally or partially on the same forest  
13 structure that is being influenced through the timber  
14 management activities?

15 A. Yes, that is true, Madam Chair.

16 Q. And it follows then that the planned  
17 interventions through timber management in the forest  
18 dynamics influence the supply of wood and they  
19 influence the supply of non-timber values inasmuch as  
20 they relate to that forest structure?

21 A. I would agree with that statement,  
22 Madam Chair.

23 MR. FREIDIN: I am wondering, what was  
24 the term you said that you were going to use, Mr.  
25 Hanna, that would always be referenced to the timber

1 component as opposed to something else?

2 I want to make sure I understand it.

3 MR. HANNA: Mr. Freidin, I will try to  
4 understand your understanding of my understanding.

5 What I have said to Mr. Innes was, when I  
6 speak of non-timber values and those elements of  
7 non-timber values I am dealing strictly with - and I  
8 think it was Mr. Innes' terms as used in the  
9 evidence-in-chief - the timber component.

10 Q. So as an example - Mr. Innes, you can  
11 correct me here if I am wrong - if we are talking about  
12 moose, the timber component of moose would be the  
13 habitat, the forest they depend upon?

14 The non-timber component would be that  
15 component that would be season regulations, tag quotas,  
16 anything else outside of the timber management activity  
17 itself. Is that correct, Mr. Innes?

18 MR. INNES: A. That's correct.

19 MR. FREIDIN: So when the question is,  
20 does, therefore, planned intervention influence supply  
21 of wood and supply of non-timber values, I can  
22 interpret non-timber values as being the timber  
23 component. That's what --

24 MR. INNES: That's how I interpreted that  
25 question, Madam Chair.

1 MR. HANNA: Q. The value, though, Mr.  
2 Innes, is the moose population, the habitat -- or the  
3 timber component is the habitat that supports that  
4 value?

5 MR. INNES: A. I took the question,  
6 Madam Chair, since it was prefaced by the definition  
7 prior to that, we are talking about the non -- sorry,  
8 the timber component of the other non-timber values.

9 MR. FREIDIN: The reason I interjected is  
10 because I interpreted the question, after listening to  
11 Mr. Hanna for a number of years, that he was referring  
12 not to the timber component but to the actual values  
13 such as moose, and that's what I've just said.

14 I am concerned that I understand what the  
15 question is so I know whether to waste the time of the  
16 Board or usefully use the time of the Board in  
17 re-examination. I want to understand how it is used.

18 MR. HANNA: Madam Chair, this only  
19 convinces me more that I should do more definitions of  
20 terms before I start into these things.

21 The way in which I am using the term -  
22 Mr. Innes, this is for benefit also so that we can be  
23 clear on what we were referring to here - the value,  
24 and I will quote the bible and suggest, Mr. Innes, if  
25 you are looking over lunch at other things, you might

1 as well look at the bible, which is Dr. Baskerville's  
2 paper on adaptive management, and he makes reference to  
3 the fact that the -- what is a value is not the  
4 habitat, but what the habitat produces.

5 To put it in the terms that you have  
6 used, objectives and targets, the target is the timber  
7 component necessary to support the value, you used "x"  
8 number of hectares of winter cover.

9 So that would be the target, that target  
10 would be for that component needed to support the  
11 value.

12 Q. Is that consistent with your  
13 understanding?

14 MR. INNES: A. Is what consistent with  
15 my understanding? I've lost the thread, Madam Chair.  
16 I apologize.

17 Q. I don't think you are alone, Mr.  
18 Innes. I won't ask the Board. All right, let's take a  
19 big step.

20 MR. MARTEL: Are we going to start this  
21 all over again?

22 MR. HANNA: I think that's the point we  
23 are at, Mr. Martel.

24 MADAM CHAIR: Repeat the question, Mr.  
25 Hanna.

1 MR. HANNA: Okay.

2 Q. In order to evaluate -- sorry, I went  
3 to my next question, Madam Chair.

4 Is it not true that many non-timber  
5 values depend totally or partially on the forest  
6 structure being influenced through the timber  
7 management activities? That's where we started and you  
8 agreed to that.

9 Then we went on and we said: Therefore,  
10 the planned interventions in the forest dynamics will  
11 influence also the supply of non-timber values over  
12 time and space.

13 Now, when I said non-timber values there  
14 it was that component that relates to timber management  
15 as it affects the value in terms of moose. Was that  
16 the way you interpreted that question?

17 MR. INNES: A. Yes, Madam Chair, I  
18 thought we were talking about the timber component of  
19 those other values.

20 Q. But the value -- and perhaps the  
21 reason we are getting confused here is values maps  
22 versus the term values here.

23 Now, on a values map, the value would be  
24 the late winter cover area, correct, but the real value  
25 is the moose that that late winter cover can support.



1 Do you accept that? The habitat without moose is no  
2 value?

3 - A. Where my understanding breaks down,  
4 Madam Chair, is my lack of biological knowledge and  
5 being able to link, for example in his question,  
6 habitat to the overall management of moose and the  
7 value of moose.

8 I can see habitat as a value in itself  
9 and I am not able to relate that to moose as a value or  
10 to the value of a moose herd within the province as a  
11 value. So I have trouble making that linkage, so to  
12 speak.

13 MR. HANNA: Madam Chair, it is going to  
14 be a long lunch for me also. I am going to try over  
15 lunch to develop a clear set of words that we can use  
16 to differentiate between the timber component, which is  
17 what I will call the habitat, and the benefit that  
18 produces which I have been using as the term value,  
19 which is what I will say is the moose herd.

20 So I will try and come back after lunch  
21 and see if I can sort that out with Mr. Innes.

22 MADAM CHAIR: I think we should  
23 understand Mr. Innes' viewpoint and I think that's been  
24 explained clearly to the Board, that the Industry is  
25 operating within the bounds of the guidelines, the

1 Moose Habitat Guidelines, for timber management and it  
2 is the habitat considerations that are firmly before us  
3 in evidence.

4 MR. HANNA: Madam Chair, I want to assure  
5 the Board I am not saying I adopt the guidelines in any  
6 way whatsoever, but certainly I want the Board to  
7 understand I am not trying to move beyond the four  
8 activities that's put above the Board at the present  
9 time.

10 Those activities are used to manage the  
11 forest structure and it is that one I am dealing with.  
12 I'm not intending in any way to come forward and to ask  
13 Mr. Innes or anyone at this hearing about whether the  
14 seasons for bull moose should be changed in  
15 northwestern Ontario. That's not something that's on  
16 the table.

17 MADAM CHAIR: Let's move on, Mr. Hanna.

18 MR. HANNA: Q. Now, Mr. Innes, I would  
19 like to turn to page 5 of your witness statement,  
20 paragraph 1 and you make the statement:

21 "All Crown land, whether managed by  
22 Industry or the Crown, should be managed  
23 under the same planning system in a  
24 fashion such that the forest based  
25 resources are managed on an integrated

1 basis."

2 Now, again restricting yourself to those  
3 timber components of the non-timber and timber values,  
4 is there another way of suggesting that both wood  
5 supply and the supply of non-timber values need to be  
6 considered simultaneously in the determination of  
7 planned interventions in forest dynamics?

8 A. I believe you prefaced that, Mr.  
9 Hanna, considering timber values and the non-timber --  
10 using the timber component of non-timber values?

11 Q. Correct.

12 A. The answer is yes.

13 Q. And because you are of that view, I  
14 take it that the system that you have come forward with  
15 in your view does deal with the, what I will call,  
16 simultaneity of supply of both timber and non-timber  
17 benefits from the forest estate?

18 A. Please repeat that, I am having  
19 trouble with one area of that.

20 Q. Sure. I take it because you are of  
21 the view that this is the way the planning should be  
22 done, that the system being proposed by the Industry  
23 does deal with the simultaneity of supply of both  
24 timber and non-timber benefits from the forest estate?

25 A. I am saying it to myself in more

1 simple language. What we are saying, Madam Chair, is  
2 that the consideration in the planning process must  
3 happen at the same time. The words that are bothering  
4 me in the sentence you read to me, Mr. Hanna, are  
5 simultaneity of supply, I believe.

6 Q. That's a way of saying the same time.

7 MS. SEABORN: Is simultaneity a word?

8 MR. HANNA: As far as I know, Ms.

9 Seaborn, but I am not a wordsmith like some of the  
10 people in the room and they probably know better than  
11 I.

12 MR. INNES: The key distinction, Madam  
13 Chair, is that the timber component of the non-timber  
14 -values and the timber component itself, timber  
15 management itself, should be considered at the same  
16 time in the planning process.

17 MR. HANNA: Q. And that's what the  
18 Industry has come forward and proposed?

19 MR. INNES: A. That's correct.

20 Q. Now, Mr. Munro made reference to this  
21 when we were having our discussion of definitions and  
22 he was just saying that there are other resource  
23 activities taking place, and I said to you those are  
24 outside the scope of the questions that I will be  
25 putting to you.

1                   Would you agree, however, that they are  
2           not irrelevant and indeed matters such as hunting  
3           seasons, moose quotas are important in determining what  
4           the effects of timber management activities may  
5           be overall on, for example, moose populations, but the  
6           determination of the appropriate quotas, seasons, et  
7           cetera, is not a matter to be considered part of the --  
8           as part of the timber management planning process?

9                   A. One more time slowly, please.

10                  Q. Sure. Would you agree that matters  
11           such as hunting seasons and moose quotas and all those  
12           other activities that are not within the timber  
13           management planning process are important in  
14           -determining what the effects of timber management  
15           activities may be overall on, for example, moose  
16           populations, but the determination of the appropriate  
17           quotas, seasons, et cetera, is not a matter to be  
18           considered as part of the timber management planning  
19           process?

20                  A. I would rephrase that slightly, Madam  
21           Chair, and say that a resource management strategy must  
22           consider all elements appropriate to the management of  
23           that resource.

24                  Given that the timber management  
25           component is one element of that, there must be



1 consideration of the timber management component within  
2 the overall context of the other components for the  
3 management of that resource. I think that's what my  
4 friend was referring to, and I'll also agree that those  
5 other components beyond the timber management component  
6 are not part of the discussion before this Board.

7 Q. Now, we will be coming back to this  
8 later when we are dealing with specifics, but perhaps  
9 you can help me now so I can anticipate better how to  
10 deal with this in the future; and that is, in talking  
11 with some of these higher level committees, the  
12 provincial - I use acronyms, I guess that's a weakness  
13 I have here - senior level policy committee and your  
14 -provincial technical group and your - I've got to use  
15 it - IRUC, would some of these other components come  
16 into play to that time, these components that follow  
17 without the strict definition of timber management as  
18 we have been using it to this point?

19 Where would they come into the system as  
20 you are seeing it because of their effect, as we just  
21 agreed, on timber management decisions also?

22 Q. Madam Chair, in the educational  
23 process of these other committees, such as the senior  
24 level policy committee, they would have to understand  
25 the importance of the timber management components of

1 that, say, for moose within the context of the overall  
2 management strategy for that moose resource, for  
3 example.

4 So I would expect that somebody would  
5 provide the framework for that committee in which the  
6 timber management component would be placed within  
7 relevance.

8 Q. In terms of the types of advice,  
9 though, that those committees might give - and I was  
10 listening carefully when Ms. Kleer was talking about  
11 terms of reference for the committees and you said you  
12 haven't flushed that out and Mr. Cosman has indicated  
13 that will be considered further and perhaps included in  
14 your final terms and conditions - within the terms of  
15 reference, at least we can conceptually deal with them  
16 at the they present time, would those committees have  
17 the ability to provide -- or would have the scope of  
18 authority to provide advice on these other matters that  
19 may impinge on some of the timber management  
20 recommendations the committee is making also?

21 MR. COSMAN: Just so I understand. Are  
22 you saying this committee be a committee on all of the  
23 resources in the forest and advise on all different  
24 resources, not just the timber resource?

25 MR. HANNA: Q. Mr. Innes, what I am

1 considering is this sort of a proposition. Dr. Euler  
2 has come forward and said he has got two six guns, he  
3 can pull one gun and change hunting seasons and he can  
4 pull the other gun and he can manage the habitat.

5 Now, the habitat is obviously what's  
6 within the sphere of timber management planning, but  
7 because we have got these two levers going  
8 simultaneously, the committee structure that you've  
9 proposed may be making decisions that could be  
10 comprised or dealt with in another way by a parallel  
11 system. I am wondering how you see those two  
12 interconnecting.

13 MR. INNES: A. Madam Chair, Mr. Martel,  
14 we've thought about this in terms of the way we see  
15 these committees functioning and our proposal is such  
16 that the senior level policy committee deals only with  
17 the timber management activity and the timber  
18 management component of the other resources, and it  
19 provides one forum in which all the activities that are  
20 forest based may be discussed in a policy type of  
21 sense.

22 As a result, we see the perhaps crucial  
23 decisions, such as changing hunting season or whatever,  
24 being dealt with within government by some other  
25 mechanism and perhaps advice being provided by some

1 other committee and, if necessary, some cross could  
2 occur but we have not got to that stage. It's in our  
3 policy committee dealing solely with the timber  
4 management component of the other activities.

5 MADAM CHAIR: But surely with the  
6 chairmanship of the Deputy Minister of Natural  
7 Resources he will be very well informed of--

8 MR. INNES: That's precisely it.

9 MADAM CHAIR: --the timber management  
10 side and his own considerations about hunting or  
11 whatever.

12 MR. INNES: That's the link there, yes.

13 MR. HANNA: Madam Chair, I have one  
14 more -- I have actually several other talks of this  
15 sort of nature. I expect it is going to take me a  
16 little bit longer than five minutes and perhaps eight  
17 minutes and it's a matter of whether you want to break  
18 for lunch now or whether I should finish with that  
19 topic and go over our lunch break.

20 I see Mr. Martel there, he always scares  
21 me --

22 MADAM CHAIR: Mr. Martel is breaking for  
23 lunch now.

24 MR. HANNA: I see. Well, I won't argue  
25 with that.

1 MADAM CHAIR: Mr. Hanna, you will be the  
2 rest of the day with your cross-examination?

3 MR. HANNA: Certainly, Madam Chair. I  
4 originally estimated two days and, as I say, I haven't  
5 had a chance to look in detail at what Mr. Lindgren  
6 covered, but my expectation now is it still will be  
7 close to that time.

8 MADAM CHAIR: We will be reconvening on  
9 the 13th, August the 13th. We still have a problem  
10 that we raised the -- we discussed it briefly at the  
11 hearing early in the week and that is, we have been  
12 asked by the Ontario Metis and Aboriginal  
13 Association -- apparently the person who wishes to  
14 cross-examine Panel 10 is available on the 13th.

15 Would you be willing to have your  
16 evidence interrupted for two or three hours to permit  
17 the cross-examination by that party?

18 MR. HANNA: Madam Chair, my client, I  
19 believe, has shown that sort of accommodation in the  
20 past and we expect to show it in the future in every  
21 case we can and that would certainly be acceptable to  
22 us.

23 MADAM CHAIR: Thank you very much, Mr.  
24 Hanna, that's very helpful to the Board.

25 ---Luncheon recess taken to 12:00 a.m.



1 ---On resuming to 1:35 p.m.

2 MADAM CHAIR: Please be seated.

3 Mr. Hanna?

4 MR. HANNA: Q. Mr. Innes, we both made  
5 mutual commitments before lunch and I've dealt with  
6 mine, I hope you've dealt with yours and I am going to  
7 try mine on first and then we will come to yours.

8 Now, we had become confused, as I  
9 understand it, with the word 'values' and whether  
10 values referred to moose or whether values referred to  
11 habitat in the example we were using; correct?

12 MR. INNES: A. That's correct.

13 Q. Okay. Now, I am going to continue  
14 using the term values in the way I think you  
15 interpreted and that is, the habitat component. So  
16 when I use the word values we will use that to mean the  
17 component of the environment that produces the benefit  
18 to society?

19 A. Right.

20 Q. Okay. So I am going to use two  
21 terms; value and benefit. Benefit will be moose, value  
22 will be the habitat that provides the potential to  
23 produce moose and I have got -- I see a similarity  
24 perhaps with wood in that the value would be the stands  
25 of the forest, the benefit would be the delivered wood

1 to the mill. Do you see the differentiation?

2 A. Not in a precise parallel, but I  
3 understand what you are talking about.

4 Q. Okay. I am really concerned about  
5 the non-timber values at this point.

6 A. Yes.

7 Q. So let's deal with it. So you  
8 understand the difference between a value and a benefit  
9 now for our future discussion?

10 A. I would be correct, then, I assume  
11 saying the value is the timber management component of  
12 that.

13 Q. That the benefit has embodied in it  
14 not only a timber management component, but other  
15 resource management components. Is that the  
16 differentiation you are making?

17 A. Yes.

18 Q. Okay. There was my undertaking.  
19 What about yours, Mr. Innes?

20 MR. MARTEL: Before you go any further, I  
21 want to go back to where this whole thing started when  
22 Mr. Freidin interjected.

23 MR. HANNA: I am glad you remembered  
24 that, Mr. Martel.

25 MR. MARTEL: Yes, because I am not sure

1        what one takes from the answer, if we were talking  
2        about the non-timber component or whether we were  
3        talking about all of the other thing and someone had  
4        better straighten out for me what in fact we were  
5        talking about at that stage, so I will have some idea  
6        where we are going.

7                    MR. HANNA: Well, I will tell you what my  
8        question was and I will ask Mr. Innes if he answered it  
9        in that way.

10                   Q. Mr. Innes, my question was -  
11        referring to the value - was the timber component not  
12        the non-timber component. Was that the way that you  
13        answered the question -- the series of questions?

14                   MR. INNES: A. Ask me that again,  
15        please?

16                   Q. I asked the question to you with the  
17        understanding when I said 'value' that is dealt solely  
18        with the timber component and not the non-timber  
19        component. Is that the way you answered the questions?

20                   A. That was way I answered the question,  
21        Madam Chair.

22                   MR. MARTEL: Okay.

23                   MR. HANNA: Q. Now, back to --

24                   MR. MARTEL: Is Mr. Freidin satisfied?

25                   MR. HANNA: Well, I am sure he will deal

1 with that in cross-examination.

2 MR. MARTEL: That's what I am afraid of.

3 MR. FREIDIN: I don't think we should  
4 worry ourselves about that now.

5 MR. MUNRO: With regards to our  
6 undertaking, I guess I am first up on priority sites.

7 MR. HANNA: Q. Okay.

8 MR. MUNRO: A. That was to try and come  
9 up with a definition that we could compare our proposal  
10 to what Mr. Hanna has for priority sites.

11 If we were to relate our proposal to what  
12 Mr. Hanna has as priority sites, we would in fact have  
13 what we are calling deviation from guidelines or  
14 -operations where there is no guideline available to  
15 protect a value.

16 We take it one step further and we do  
17 what we term an environmental analysis which includes  
18 those four components that we talked about yesterday;  
19 consideration of alternatives, the analysis of the  
20 alternatives, examination of preventative and  
21 mitigative measures, and the rationale for the  
22 selection of the preferred alternative.

23 In Mr. Hanna's priority sites, it does  
24 not go into that detail and I'm not sure was is meant  
25 in terms of whether they did intend to do that

1 environmental analysis or simply state the  
2 justification why the activity would take place.

3 Q. Mr. Munro, for our discussions of  
4 this panel let's assume that the site specific  
5 justification that's used in that definition is the  
6 type of analysis that you've just described?

7 A. Fair enough. In addition to that, if  
8 we could confine that -- or define as that as priority  
9 sites, those two elements plus the analysis, we have an  
10 enhanced planning process which doesn't fit into the  
11 priority sites and that will be where there is a  
12 concern expressed for a planned activity at the draft  
13 plan stage. You would have to -- I think we have to  
14 talk in that context as a separate entity from the  
15 priority sites in any discussions.

16 Q. This didn't -- this priority sites,  
17 as the word, very clearly says doesn't talk about  
18 planning process. What you are saying is that there is  
19 a process underlying this whole thing that isn't  
20 captured in this definition; is that what you're...

21 A. What I'm saying, Madam Chair, is that  
22 in our definition priority sites would include the  
23 enhanced planning process because it puts a priority on  
24 a specific value that somebody expresses a concern over  
25 it. So we have the three components and they would



1 have to make up what we classify as priority sites.

2 Q. Again, to make this as simple as  
3 possible. I'm going to take your understanding of  
4 priority sites including some type of enhanced planning  
5 process, and for the purposes of this panel it will be  
6 the planning process -- the enhanced planning process  
7 that you have described in your evidence?

8 A. Plus the other two, the deviation,  
9 and where there is no value -- no guideline to protect  
10 the value.

11 Q. There are three elements, we have two  
12 of them. The one that isn't here there is where there  
13 is a specific concern expressed by an individual?

14 A. Right.

15 Q. So including that as a third  
16 component and associated with it--

17 A. In the analysis.

18 Q. --the enhance planning process, the  
19 definitions are comparable?

20 A. And the associated analysis,  
21 environmental analysis that would take place for all  
22 three. I think we could agree on that.

23 Q. Good. Who else has got some  
24 definitions for me?

25 MR. INNES: Mr. Young? --

1 MR. YOUNG: A. We looked at the  
2 definition of traceability and we modified your  
3 definition and I could read what our definition would  
4 be. We stroked the first sentence and we continue:

5 "...the traceable decision is one where a  
6 party not involved in the original  
7 decision can consider the supporting  
8 documentation, review the choices  
9 considered and understand the resource  
10 implications of each choice and, thus,  
11 understand the rationale for the  
12 preferred alternative."

13 That's the definition that we would put  
14 -forward for traceability. Madam Chair and Mr. Martel.

15 Q. Okay. Can I just -- I just want to  
16 step through this slowly so I make sure I understand  
17 it. You have changed "can take" to "can consider" and  
18 then you have gone down and changed "restructured" to  
19 "review". Everything is same up to there; correct?

20 A. That's correct.

21 Q. Now, can you just carry on from where  
22 it says "the resource implications" in your definition,  
23 carrying on from there?

24 A. Our definition would be:

25 "...and understand the resource

1                   implications of each choice and, thus,  
2                   understand the rationale for the  
3                   preferred alternative."

4                   Q. Now, you've excluded tradeoffs and  
5                   prioritized assigned to each benefit and you have  
6                   removed, what is in my view, an important issue and  
7                   that is the statement that:

8                   "...thus, can unambiguously arrive at a  
9                   conclusion as to the preferred  
10                  alternative."

11                  Can you explain to me why, in your view,  
12                  a traceable decision should be ambiguous? Why should a  
13                  traceable decision not be ambiguous?

14                  MR. INNES: A. Madam Chair, I can  
15                  respond to that. The word ambiguous could stand in  
16                  there. We thought it was superfluous in terms of, if  
17                  you understand the rationale for the preferred  
18                  alternative surely that's clarity in a person's mind.

19                  Q. Okay. I'm not going to argue about  
20                  the words, I just want to make sure we're talking about  
21                  the same thing. So what you are suggesting in your  
22                  words as far as clear understanding, that means a clear  
23                  and unambiguous understanding as to why the preferred  
24                  alternative was chosen?

25                  A. In the mind of the author, yes.

1 Q... Yes. And that -- what was in the  
2 mind of the author has to be transmitted--

3 A. Yes.

4 Q. --to whoever is trying to understand  
5 the decision?

6 A. Yes, Madam Chair.

7 Q. Well, who's up with the next  
8 definition?

9 MR. MUNRO: A. Mr. Innes is up.

10 MR. INNES: A. Let's deal, Madam Chair,  
11 with production possibilities. You will recall we had  
12 some difficulty with that, so we rewrote it, Madam  
13 Chair, and here it is.

14 "Production possibilities are the range  
15 of stand structures that can result  
16 through the planned intervention" --

17 Q. Can you go slowly, Mr. Innes, because  
18 I am trying to write this down. It is important.

19 A. I beg your pardon. Let me start  
20 again.

21 "Production possibilities are the range  
22 of stand structures that can result  
23 through the planned intervention in  
24 biological processes of the forest  
25 through the use of timber management

1 techniques. Production possibilities can  
2 be considered at both the stand and the  
3 forest level."

4 Q. Okay.

5 A. Do you wish me to go on to tradeoff  
6 decisions.

7 Q. No, I just want to deal with that for  
8 a minute. I'm just contemplating for a moment.

9 The difficulty I have with your  
10 definition is this, what you've described does not  
11 cause me any concern as far as it goes, the concern I  
12 have is the connection between the stand structures and  
13 the benefits those imply. Do you understand what I  
14 -mean?

15 I will give you an example. Let's just  
16 talk about wood supply. I believe this was -- Mr.  
17 Munro made a suggestion of this nature before lunch and  
18 that was, one of the things he could see a production  
19 policy being a yield curve.

20 Now, in order to interpret the production  
21 possibilities, one has to go one step beyond the stand  
22 structure; one has to say what does that stand  
23 structure imply in terms of benefits. Would you agree?

24 A. I would agree, Madam Chair, which is  
25 why we left it at stand structure which encompasses all



1 possible benefits you may want to consider in designing  
2 that stand structure at that point in time.

3 Q. But the reason that I have taken that  
4 step further is that in order -- and we haven't dealt  
5 with tradeoff decisions, and I gather we are going to  
6 deal with that shortly, but in order to make the  
7 tradeoffs, the tradeoffs are made in terms of the  
8 benefits that those alternate stand structures, those  
9 production possibilities imply; correct?

10 A. No, I can't agree with that because  
11 we don't agree with your definition of tradeoff  
12 decisions.

13 Q. Okay. Let's go to the tradeoff  
14 decisions definition and then, if necessary, I will  
15 come back to the production possibilities definition.

16 A. Very well. Madam Chair, we take the  
17 definition provided by OFAH for tradeoff decisions as a  
18 statement of philosophy rather than a definition.

19 Our group was unable to comprehend the  
20 word tradeoff decisions as it seemed to be -- they both  
21 meant the same thing. A decision is a choice in our  
22 mind between alternative and, therefore, you must make  
23 some choice between either nothing and something or a  
24 variety of things and, as a result, tradeoff decisions  
25 doesn't mean anything to us.

1                   The word decision means something to us,  
2                   and since that is contained within a dictionary, we  
3                   took the liberty of not defining it again here at this  
4                   point in time.

5                   Q. Okay. Well, let's strike off  
6                   "tradeoff" and look at the definition here of decisions  
7                   in a timber management context and tell me if what's  
8                   said here in terms of what's required for a decision --  
9                   or what a decision consists of in a timber management  
10                  context, if that's consistent with your understanding?

11                  A. Madam Chair, we were unable to deal  
12                  with this as we thought it was a statement of  
13                  philosophy rather than a definition, and I'm afraid I  
14                  can't respond to the question in an intelligible  
15                  fashion. We honestly did wrestle with this.

16                  MADAM CHAIR: Mr. Hanna, you are not  
17                  going to get the witnesses to agree with your  
18                  definition of tradeoff.

19                  Can you use the word decision, can you  
20                  use something else to get on with your  
21                  cross-examination?

22                  MR. HANNA: Madam Chair, I appreciate the  
23                  Board wish to move on with this. I am doing this for  
24                  very deliberate reasons, to avoid endless back and  
25                  forth in terms of these definitions. The very exercise

1 that we have gone through in my view has shown that  
2 this is a vital part of an effective discussion on  
3 these matters.

4 There's two options I have available.  
5 One is to say, here is the definition, this is what I  
6 mean by tradeoff decision, he may not agree with that  
7 being a tradeoff decision, but do you understand what  
8 is there and so when I use the term tradeoff decision  
9 at least you will understand what I mean.

10 The other is to say: Witnesses, what is  
11 your definition of tradeoff decisions and then move  
12 forward with that.

13 I have up to this point attempted to go  
14 with the latter approach in the interest of the  
15 witnesses, so they can give their best opinion, but  
16 there are certain points where that isn't possible.

17 Despite Mr. Innes' view as far as the  
18 philosophy and whatever, it has been my experience, and  
19 I have been involved in environmental assessments for a  
20 number of years, that the concept of tradeoff decision  
21 is not a new concept at all. In fact, I would suggest  
22 to you it's a fairly common term in environmental  
23 assessment and, therefore, I am at a bit of odds as to  
24 whether to proceed with a definition that is hampered.

25 MADAM CHAIR: How many questions do you

1 have that you will need to use tradeoff decisions?

2 MR. HANNA: This whole process, Madam  
3 Chair, involves tradeoff decisions. Perhaps, though,  
4 your point is -- I am sure your point is an excellent  
5 one and what I will do is I will try when I come to  
6 tradeoff decisions to try to deal with it at that time.  
7 Perhaps that's a more efficient way at this point.

8 Q. Can I just go back then to production  
9 possibilities. Mr. Innes, we left off with your  
10 definition being structures and I will agree with that  
11 except I want to add something on to that, which is the  
12 benefits implied in those alternate forest structures.

13 Do you have a problem with saying the  
14 production possibilities imply -- or the production  
15 possibilities in fact are the benefits that can be  
16 derived from those stand structures?

17 MR. INNES: A. It is the term production  
18 possibility, Madam Chair, as it relates to benefits  
19 that bothers me. What we as foresters see ourself  
20 producing is stand structures which then are utilized  
21 for a multiplicity of things.

22 I think what Mr. Hanna is driving towards  
23 is that different stand structures are conducive to  
24 different things, and we recognize that in saying  
25 intervention of the forest produces at different points

1 in time different stand structures.

2 But I am not able to - neither was the  
3 group here - to address the idea of production of  
4 benefits per se in terms of production possibilities,  
5 as the benefits are -- depending how you define  
6 benefits, they could be almost enumerable and they  
7 could be very limited and we are not able to grasp this  
8 sort of broad concept in a way that's meaningful to us  
9 other than to say, intervention that we are speaking  
10 about produces a stand structure which may in fact be  
11 geared towards, as a primary purpose, the production of  
12 so many cubic meters of poplar at age 40 or it may be  
13 geared towards spacial relationship which enhances  
14 butterflies.

15 Those are all benefits, I don't doubt,  
16 but really the job is producing that stand structure  
17 for a given purpose -- for a number of purposes.

18 Q. Okay. I accept your point that there  
19 is a multiplicity of benefits and I think the Board has  
20 certainly heard much on that matter.

21 Let's then keep this nice and neat and  
22 narrow. When we talk about benefits, we've already  
23 defined that term, let's say that we are just going to  
24 talk about two things, and I want to make sure that the  
25 Board understands I am only doing this in the interest



1 of communication. My client is not just interested in  
2 moose, but I am going to keep using moose simply  
3 because it makes things a little easier to communicate  
4 at this stage.

5 When we talk about benefits, Let's talk  
6 about wood and moose, let's say that was all that came  
7 out of the woods, and I am not to all suggesting that's  
8 true, but just as a way to communicate, and let's say  
9 then we get these range of stand structures and each  
10 stand structure has an implied wood supply; correct?

11 MR. INNES: A. Mm-hmm.

12 Q. Each stand structure has an implied  
13 moose habitat which, in combination with other things,  
14 has an implied moose population, okay.

15 Now, in terms of production  
16 possibilities, when we use the term can we talk about  
17 the implied benefits in terms of wood and moose in  
18 those terms?

19 A. No, we can't. That's where it fell  
20 apart, that's what I was trying to explain perfectly a  
21 moment ago. What we can talk about, in our mind, is  
22 benefits in terms of timber and habitat for moose.

23 Q. All right.

24 A. I'm not trying to be difficult. You  
25 understand the distinction I am making there between

1 things that are controllable as output and those that  
2 are not. If moose grew in the forest totally,  
3 connected somehow to intervention in timber management,  
4 the first statement would be correct.

5 Q. I think for my purposes that will be  
6 adequate.

7 MR. MARTEL: Well, now that we have got  
8 that far, can someone agree to provide for us what has  
9 been agreed to in writing so that we understand or try  
10 to understand just where it is we are going and what's  
11 been understood by every one because, quite frankly, I  
12 am not sure what has been agreed on on all of these  
13 definitions. I'm not sure anyone else is right now.

14 MR. COSMAN: Speaking as counsel in this  
15 matter, I don't think I can go beyond the definitions  
16 that my witnesses have provided.

17 MR. MARTEL: Oh, that your --

18 MR. COSMAN: Yes.

19 MR. MARTEL: Which then has --

20 MR. COSMAN: Mr. Hanna, whether he agrees  
21 or not, those are the answers that my witnesses have  
22 provided to his questions.

23 MR. MARTEL: I think you can see the  
24 difficulty we are having because I am not sure what in  
25 fact has been agreed to.

1                   MR. COSMAN: I am not sure if anything  
2                   has been agreed to either.

3                   MR. MARTEL: That's the point. I don't  
4                   want to be difficult about it, but I think...

5                   MR. COSMAN: I think all we can do, Madam  
6                   Chair and Mr. Martel, is the cross-examiner has to take  
7                   the answers that are given. The witnesses have  
8                   struggled with the questions and have done their best  
9                   to come up with definitions and he has to work with the  
10                  knowledge and the context that they have provided.

11                  Now, if he wants at another time to  
12                  provide some other context, that's fine. I don't know  
13                  if it is possible to take this discussion and, Mr.  
14                  Martel, which I would be delighted with as well, put it  
15                  into a form of agreement, but I think to the extent  
16                  that the witnesses and the cross-examiner have  
17                  understood where each other stands, that's all that we  
18                  can do. That's the evidence.

19                  MR. HANNA: Mr. Martel, I would agree  
20                  with Mr. Cosman. I appreciate the difficulty the Board  
21                  is having, but the record has to stand, and that is  
22                  what ultimately will be the basis for this.

23                  What I can propose to the Board is when I  
24                  get to that glorious moment that we present our  
25                  evidence, and I expect I will find out very shortly

1 about that, that I will undertake at that time to go  
2 back to the transcripts and attempt to reconcile any  
3 statements that were made through that time through the  
4 evidence we present with any definitions we use in our  
5 evidence, but that's the best I can do for you at this  
6 time, other than to sit down with the witnesses in an  
7 informal setting and I'm not sure that would be  
8 productive under the circumstances.

9 MR. FREIDIN: I'm sorry, I missed part of  
10 this and I apologize for not making a note here. Are  
11 we going to proceed and use these terms in the  
12 questions? Are we to understand that the questions  
13 when they use these words are using the witnesses'  
14 definition?

15 MADAM CHAIR: I think that's the idea,  
16 Mr. Freidin. I think Mr. Martel's point is, we can't  
17 remember what the witnesses said with respect to the  
18 definitions.

19 MR. FREIDIN: Right.

20 MADAM CHAIR: But we will get the  
21 transcript before August 13 and we will just catch up.

22 MR. MARTEL: That's the difficulty for  
23 the rest of the afternoon because one is caught on  
24 whether we are talking about the answers provided by  
25 Mr. Innes and his group or the definitions as proposed,

1 altered somewhat, agreed to what somewhat, disagreed to  
2 somewhat, for the rest of the afternoon. I mean,  
3 that's the difficulty.

4 MR. COSMAN: The extent to which I can  
5 assist here, Mr. Martel, is that a cross-examiner is  
6 always in the position of having to deal with the  
7 evidence as it is. The witnesses have done their best  
8 to answer the questions that have been put to them and  
9 they are dealing with some conceptual, sometimes  
10 semantic difference but sometimes real, true  
11 differences, but they have defined in response to my  
12 friend the - who is becoming my friend through  
13 experience, not through formal education - they have  
14 -defined what they mean by certain terms.

15 Now, the cross-examiner now has the  
16 obligation, knowing how the witnesses see those terms,  
17 to deal with that. I would suggest trying to make --  
18 they can do their best; in other words, if they don't  
19 accept a definition that has been proposed by the  
20 cross-examiner, the cross-examiner can't say: All  
21 right, you must accept my definition and proceed as  
22 follows.

23 MR. MARTEL: There is a problem. We have  
24 got partial agreement on some of them. The difficulty  
25 now arises we are not sure what they are talking about



1 at any given point from here on in because there have  
2 been some agreements, some partial agreements, some  
3 parts of sentences.

4 I mean, it is a morass, if I can use the  
5 word, that we are dealing with from here on in and to  
6 know specifically what each is dealing with, what one  
7 is asking as opposed to what one is answering leaves us  
8 in somewhat of a dilemma.

9 MR. HANNA: Mr. Martel, I think I can  
10 assist you in this. I will, as I use any of these  
11 terms, attempt to, in as concise a way as possible,  
12 limit my meaning and use of the word and hopefully, at  
13 least for the remainder of this afternoon, there won't  
14 be that many occasions where I will have to do that..

15 Perhaps by August 13th, both the Board  
16 and myself will have a chance to go through the record  
17 in detail and I will look at that time and see if I can  
18 produce something that appears to reflect what the  
19 witnesses are saying and I will then produce it to the  
20 witnesses or they can do it themselves and we will move  
21 on at that point.

22 Otherwise, at this point, the only choice  
23 I have at this point is to go back and to go back  
24 through what has now taken much of the time --

25 MADAM CHAIR: No, we have got to get on

1 ..with the cross-examination, Mr. Hanna.

2 MR. HANNA: Right.

3 MADAM CHAIR: Mr. Freidin?

4 MR. FREIDIN: Very briefly, Madam Chair,  
5 I have the same difficulty I think Mr. Martel has.

6 MADAM CHAIR: I think you and Mr. Martel  
7 are trying to get us an early adjournment on the summer  
8 holiday. I don't think you want to sit the rest of the  
9 day.

10 MR. FREIDIN: Madam Chair, I am going to  
11 listen to evidence for some time now, and I agree with  
12 Mr. Martel, these witnesses have an understanding of  
13 what the definitions are, but I am not absolutely sure  
14 what it is and when I listen to the questions and I am  
15 listening to the answers I am not going to know what  
16 they are talking about.

17 MADAM CHAIR: Well, Mr. Freidin, Mr.  
18 Hanna just said he doesn't know how many of his  
19 questions are going to rest on these definitions.

20 MR. FREIDIN: All right. But if I might  
21 just make a submission then, that if in fact these  
22 words are going to be used when we come back in August,  
23 I think the witnesses should take the words, type up  
24 their definition, and then I will have a copy in front  
25 of me, the Board will have a copy and Mr. Hanna can use

1 those and we will all know what the witnesses and Mr.  
2 Hanna are talking about.

3 MADAM CHARIR: Is that agreeable to you,  
4 Mr. Cosman, and they can only do that from the  
5 transcript.

6 MR. COSMAN: Yes, that's right.

7 MADAM CHAIR: We have got the evidence  
8 so...

9 MR. COSMAN: I will provide the  
10 transcript to the witnesses to the extent that the  
11 transcript hopefully accurately reflects what they said  
12 and what they mean, that can stand, and point out the  
13 specific references and if it is of some assistance we  
14 will isolate the terms.

15 I appreciate the difficulty. The  
16 difficulty is always the case -- always exists in  
17 certain kinds of cases, but I think that these  
18 witnesses have answered, and we can go through it  
19 again, what each of those terms mean. they have come  
20 back from lunch, they've considered it over the lunch  
21 period, for whatever that's -- in the course of an hour  
22 and a half on an empty stomach they have considered it  
23 and they have come and they have given us some  
24 language.

25 Perhaps we should go through each of

1 those again before the cross-examination continues.

2 I don't know if that will be helpful to you.

3 MADAM CHAIR: No, I think we should  
4 proceed with the cross-examination.

5 MR. MARTEL: You see, my difficulty for  
6 the rest of the afternoon now is very simple, I don't  
7 know what he means or I don't understand what Mr. Innes  
8 means at times. I have to decide which definition is  
9 being dealt with. Is it Mr. Innes' interpretation of  
10 traceability or is it Mr. Hanna's?

11 Is he asking on his own definition or he  
12 is asking on what they agreed to, and then you get the  
13 answer. Are they agreeing to --is the answer based on  
14 what they agreed to, on what's here?

15 I mean, that's the difficulty. We can  
16 proceed, I am not trying to be difficult, but quite  
17 frankly it is a jungle right now.

18 MR. COSMAN: The answer must be based on  
19 what they understand and appreciate and before August I  
20 will make sure that they get the transcript and isolate  
21 those terms again for us, and perhaps in a written form  
22 in that's of some assistance.

23 MR. HANNA: Mr. Martel, I will do my very  
24 best through the remainder of the afternoon to ensure  
25 that the witness and myself have a common understanding

1 and that's translated to whoever is listening.

2 Q. Panel, I would like to try and deal  
3 with another matter to this point. I would like to  
4 deal with what I have termed two generic classes of  
5 timber management effects and I am going to call them  
6 static effects and dynamic effects.

7 MR. HANNA: Madam Chair, I have spoken  
8 to - I can say my friend because of his training and  
9 experience, I have spoken to him on this exhibit and --  
10 or this suggested exhibit, excuse me, and it is simply  
11 a brief summary to try and short circuit some of the  
12 morass that we have just described.

13 I have prepared it as an example, it is  
14 -fairly simple and I would suggest that it be given an  
15 exhibit number as a basis upon which to avoid the type  
16 of definitional jungle that we have just been talking  
17 about.

18 MADAM CHAIR: You wish to make this an  
19 exhibit, Mr. Hanna?

20 MR. HANNA: Yes, Madam Chair.

21 MR. COSMAN: Madam Chair, perhaps just  
22 before my friend does. We are not dealing with some  
23 document that's been produced which any of these  
24 witnesses can identify. This is a piece of paper that  
25 my friend has to perhaps expedite this hearing,



1 hopefully to get us out of a morass, has highlighted  
2 certain terms which is going to be the subject of  
3 cross-examination and maybe it will form the structure  
4 in which that cross-examination can occur.

5 The witnesses have not seen it, but  
6 hopefully it will shorten things. It is not evidence  
7 in the traditional sense, it is really a document that  
8 will help my friend to ask questions to the witness,  
9 and on that basis I have no objection, even though it  
10 is not evidence in the traditional sense, that it be  
11 marked.

12 MADAM CHAIR: Thank you, Mr. Cosman. You  
13 are the author of these definitions, Mr. Hanna?

14 MR. HANNA: We will say the Ontario  
15 Federation of Anglers & Hunters, Madam Chair.

16 MADAM CHAIR: Thank you. Exhibit 1277.

17 MR. HANNA: Q. Now, Mr. Innes --

18 MADAM CHAIR: Excuse me, Mr. Hanna, for  
19 the record we are going to describe this is a handout  
20 prepared by the OFAH to assist them in using the term  
21 static and dynamic?

22 MR. HANNA: It might be even better to  
23 use the title that's on the paper, Madam Chair, but  
24 I'm -- Two Generic Classes of Timber Management  
25 Effects, but it's up to you. It is a memoir, I think

1 that's the important thing that the record should show.  
2 It is not, as Mr. Cosman said, formal evidence in the  
3 sense of a scientific paper or something like that.

4 MADAM CHAIR: As long as it is clear from  
5 the record that you prepared this.

6 MR. HANNA: Yes.

7  
8 ---EXHIBIT NO. 1277: Handout prepared by the OFAH  
9 entitled Two Generic Classes of  
Timber Management Effects.

10 MR. HANNA: Q. Now, Mr. Innes, I would  
11 like to just go through this with you so that you  
12 understand clearly what's intended here.

13 I would like to look first at the the  
14 left-hand side under the column entitled Static and  
15 what's listed there is, first of all, how these effects  
16 are -- perhaps we should go first right to the bottom  
17 of the examples under Static Effects.

18 The types of examples that we are  
19 considering here are lodges, cottages, heritage values,  
20 spawning beds, fish habitat, things that are I will  
21 use the term do not migrate over the landscape, they  
22 are fixed in one spot, okay?

23 Now, in terms of dealing with those, we  
24 have values, identification and mapping. The values  
25 map consists of these types of features; correct?

1 MR. MUNRO: A. Yes, that is correct.

2 Q. And the way that they are typically  
3 dealt with is through local stand management techniques  
4 such as buffers zone and that type of thing; correct?

5 A. That is one way of dealing with  
6 those, yes.

7 Q. And it can also be dealt through  
8 things such as access road location, other types of  
9 things but, again, things that are static in terms of  
10 their position in the landscape; correct?

11 A. Sorry, is dealt with through things  
12 that are...

13 Q. Another way that we deal with  
14 outfitter lodges is the location of access roads?

15 A. Mm-hmm.

16 Q. But, again, that is a static type  
17 of -- it's not just a stand management, it also can be  
18 through access roads; correct?

19 A. Yes, there are a number of techniques  
20 that can be used to deal with those type of fixed  
21 establishments.

22 Q. And local stand management implies  
23 harvest, renewal, protection, tending, any of those  
24 activities and there is also access, that would be  
25 another management technique.

1                   Are there other ways that you would deal  
2                   with those static type of values, an outfitter lodge,  
3                   cottages, heritage value?

4                   A. Offhand, Madam Chair, I can't think  
5                   of any unless the other panel members can contribute.

6                   MR. MUNRO: Madam Chair, I hate to say  
7                   this but I am somewhat confused in terms of what the  
8                   purpose of this exercise is.

9                   Q. That's not important right at the  
10                  moment. I think the important thing right now is to  
11                  understand the definitions.

12                  MR. INNES: I believe there is a term  
13                  that is used in these situations, it is called suspend  
14                  disbelief and we are prepared to do that, Mr. Hanna.

15                  MR. HANNA: I think the Board and many  
16                  parties are faced with that dilemma, Mr. Innes.

17                  Q. And the way that these are often  
18                  dealt with, these static type effects, is through  
19                  buffers and mitigative activities such as changing road  
20                  location, controlling access on roads, those types of  
21                  things.

22                  Now, let's move over to the dynamic side  
23                  of effects. Would you agree that wood supply is not  
24                  obtained from one particular location on the landscape,  
25                  but moves -- you get your wood from all different

1 locations. You may come back to the same location  
2 after rotation, but it is something that occurs over  
3 the whole forest management; it isn't a static site  
4 specific concept?

5 MR. INNES: A. That would be true, Madam  
6 Chair, provided you have a time span that was long  
7 enough to enable that to be true.

8 Q. Is that not a key issue in timber  
9 management planning, to make sure you have that time  
10 span?

11 A. One cannot say that, Madam Chair, as  
12 a generality. For example, you may be looking for a  
13 point source from one point in time to provide  
14 something in terms of timber supply.

15 Q. But you undertake timber supply  
16 planning not for one year, you take it for, in many  
17 cases, in perpetuity?

18 A. If that's the purpose laid out in the  
19 plan, yes. In this case we are talking about timber  
20 management planning for the Province of Ontario, that  
21 would be correct.

22 Q. And the way that you manage those  
23 dynamics effects is through managing the forest  
24 structure as opposed to the individual stand; you have  
25 to look to the whole conglomerate of stands as a



1 forest; correct?

2 A. That's correct.

3 Q. And the way that you direct and  
4 manage those effects is by establishing objectives that  
5 deal with the whole forest, for example, the amount of  
6 wood that you want to obtain on a predictable and  
7 continuous basis over a period of time as opposed to  
8 going and saying: I am going to make a buffer, that  
9 sort of thing? It is a forest level type management  
10 approach?

11 A. I have lost the thread of what the  
12 question is, Mr. Hanna, could you repeat the question  
13 itself, please.

14 Q. Okay. Now, the way that you handle  
15 these effects, the forest level effects --

16 A. What effects?

17 Q. The forest level effect on benefits  
18 and I was using wood supply as an example.

19 A. Forest level effects on benefits.  
20 Please go on.

21 Q. The way that you manage the forest  
22 level effects in terms of benefits is that you examine  
23 the forest management unit in totality over time and on  
24 the basis of that you set objectives?

25 A. --Madam Chair, --I don't fully comprehend

1 the question, but I would not set objectives for timber  
2 management in that fashion.

3 I would set my objectives for timber  
4 management in terms of what the forest capability was  
5 relative to what the demand was for both timber and  
6 other uses of that forest and start from that point,  
7 from a societal point of what it wanted from the  
8 forest, but I am not able to -- so that's point No. 1.

9 Point No. 2 is, I am not able to  
10 comprehend forest level effect on benefits that you  
11 mentioned, Mr. Hanna. I believe I copied that down  
12 word for word, forest level effects on benefit. There  
13 is an "s" on effects.

14 - Q. I am going to read to you a statement  
15 made by Dr. Baskerville in his adaptive management,  
16 wood availability, habitat availability paper. It may  
17 help clarify this document.

18 MR. COSMAN: Do you have a copy so that  
19 the witnesses can read it in context?

20 MR. HANNA: Madam Chair, this is not  
21 going to require context. This is a simple -- and let  
22 me read it first, and if the witness says I need  
23 context, then I will take that under consideration. Let  
24 me read it first.

25 MADAM CHAIR: The point of doing this,

1 Mr. Hanna, is for the witnesses to agree or disagree  
2 with this statement?

3 MR. HANNA: Yes, for them to understand  
4 the whole gist or whole thrust of this--

5 MADAM CHAIR: Of your question.

6 MR. HANNA: --dichotomy. I am reading  
7 from - I will use the page numbers in the original  
8 article - page 174.

9 MR. MUNRO: Mr. Hanna, what is the  
10 article again? I'm sorry, I didn't write it down.

11 MR. HANNA: It is in Exhibit 378 starting  
12 at page 363. The title of the paper is Adaptive  
13 Management, Wood Availability and Habitat Availability  
14 and it is by G. Baskerville. It was published in 1985  
15 in the Forestry Chronicle.

16 "The ability to manage wildlife habitat  
17 at the forest level is about ten years  
18 behind the ability to manage availability  
19 of wood. There is a common  
20 characteristic to wildlife management  
21 discussions today and forest management  
22 discussions about ten years ago. In both  
23 cases, the discussion centres on local or  
24 stand level actions and rarely considers  
25 the strategic level. Much is made of

1 actions taken on a few isolated hectares  
2 to that change the habitat in a local  
3 area, but these interesting actions are  
4 proposed outside the context of the total  
5 forest. A problem we all face here is  
6 that we can see the stand level action  
7 and its results, but we can only  
8 Visualize the forest level action set and  
9 the forest level results. In forest  
10 management, the stand level approach is  
11 known as silvicultural or sometimes  
12 stands level management. The typical  
13 example is a forester examining a single  
14 stand and prescribing the best treatment  
15 for that stand, say, a \$600 per hectare  
16 plantation. Looking at the single  
17 stand, the forester cannot tell whether  
18 the local treatment is justified in the  
19 global context. He cannot tell whether  
20 that is the best place to spend our  
21 limited planning dollars. Such work  
22 demonstrates a skill with one of the  
23 local tactics of management, but does not  
24 address the strategic management concerns  
25 of regulating wood availability

1                   throughout a whole forest over time."

2                   And it is that latter part that I am  
3   referring to, Mr. Innes, the need to regulates, in this  
4   case, wood availability throughout a forest over time,  
5   and that's not a local static issue, that's something  
6   one has to look at dynamically over time over the whole  
7   forest; correct?

8                   MR. INNES: A. Yes, I would agree with  
9   that.

10                  Q. Now, looking back at Exhibit 1277, in  
11   terms of the dynamic aspect in terms of wood supply,  
12   one must undertake forest level analysis over time and  
13   space; correct?

14                  A. Yes, I would agree with that.

15                  Q. And in terms of the forest structure  
16   management, the same type of analysis has to be  
17   undertaken, it is not looking at a specific site, it is  
18   looking at the dynamic of the whole forest in totality?

19                  A. One must be careful in terms of how  
20   one does that, Madam Chair. One has to look both at  
21   the individual sites and at the overall structure of  
22   the forest and consider those two aspects in putting  
23   together a wholistic picture. You can't take one or  
24   the other in isolation.

25                  Q. I accept that fully, Mr. Innes, but



1 in terms of dealing with these -- the dynamic nature of  
2 the forest, one has to deal at the forest management  
3 level, but the action takes place at the local level;  
4 that's what you are saying?

5 A. I am also saying what is possible at  
6 the local level drives, to some extent, what is  
7 possible at the aggregated level and your strategic  
8 decisions must be couched within that possibility.

9 Q. And one way to deal with this forest  
10 level type issue is to set objectives in terms of wood  
11 supply, to look to these production possibilities, the  
12 range of stand structures that are possible and on that  
13 basis set an objective which implies a certain stand  
14 structure?

15 A. Those so-called production  
16 possibilities, and given our definition, Mr. Martel,  
17 are one aspect of things that should be used in setting  
18 objectives, Madam Chair. There are other drivers in  
19 terms of objectives, in terms of need, in terms of  
20 societal value, in terms of economics, in terms of  
21 environmental impact, et cetera, that must be  
22 considered, as well as purely a biological production  
23 possibility at the stand or forest level.

24 Q. So you would take that conglomerate  
25 of factors and considerations and the way to deal with

1 the dynamics of the forest is then taking account of  
2 demand for wood, the economics, societal values,  
3 economic -- environmental impacts and the way to manage  
4 those effects is you set your objective; is that not  
5 right, by taking all those things into account?

6 A. Madam Chair, you would utilize those  
7 items in terms of how you would formulate your  
8 objectives.

9 Q. And the objectives are the way to  
10 manage those dynamic forest level effects?

11 A. No, I can't agree with that, Madam  
12 Chair. The objectives are the areas of achievement  
13 which are below the overall goal embodied --

14 Q. Sorry, in body.

15 MR. COSMAN: Embodied.

16 MR. HANNA: Oh, embodied, I'm sorry.

17 MR. INNES: What I would understand you  
18 to be using the term objective here in this case, Mr.  
19 Hanna, I would term strategy. I am seeing nods from  
20 around the table here.

21 MR. COSMAN: That wasn't me, that was the  
22 other witnesses.

23 MR. HANNA: Q. Perhaps when you come  
24 back on August 13th, Mr. Innes, I did not get a  
25 definition on strategies, I don't think. We got a

1 definition on goals, objectives, I don't think we got a  
2 definition on strategies. Can you come back and give  
3 me a definition of strategies when you come back on  
4 August 13th?

5 MR. INNES: We are prepared to do that,  
6 Madam Chair.

7 MADAM CHAIR: Thank you, Mr. Innes.

8 MR. HANNA: Q. Now, as far as the  
9 examples that we have seen here, wood supply, wildlife  
10 habitat, supply of hunting and viewing opportunities,  
11 cumulative watershed effects, do you see those as  
12 being -- falling in the class of dynamic type effects  
13 that would have to be dealt with through the strategy  
14 type of approach as opposed to the -- exclusively by  
15 the local stand management buffers, mitigation type  
16 effect -- approach?

17 A. I am going to require some further  
18 clarification before I can answer yes or no to that.

19 Madam Chair, if I may ask Mr. Hanna, the  
20 term dynamic effects of timber management relates to  
21 the output of timber management or the impact of timber  
22 management, the results of timber management? Is that  
23 what you are...

24 Q. The results, yes.

25 A. The results of timber management.

1 And if I take that under advisement, then you are  
2 saying the results of timber management are outputs  
3 which vary in quantity and quality over time.

4 Q. And space.

5 A. And space in relation to a management  
6 technique or strategy and examples of those are such  
7 things as wood supply habitat and those things that are  
8 listed here?

9 Q. Exactly.

10 A. I would say, if my understanding of  
11 what we just played back here is correct, I would say  
12 yes, that's true.

13 Q. Now, these dynamic effects may well  
14 be beneficial, such as we have heard in Panel 9A, that  
15 in some cases timber management can have beneficial  
16 effects in terms of wildlife habitat; correct?

17 In fact, many of the -- certainly the  
18 examples that are listed here with the exception of  
19 cumulative watershed impacts, many of those can be  
20 beneficial effects.

21 Looking at the static effects, generally  
22 we are dealing with negative effects; would you not  
23 agree?

24 A. No, I would not agree because I don't  
25 agree with what you list on your table here as static

1 effects. I don't see an effect of timber management  
2 being an outfitter lodge or a cottage or a heritage  
3 value or a spawning bed.

4 Q. Effect on those.

5 A. It doesn't say -- that's not my  
6 understanding of what I asked just a moment ago. I was  
7 couching this in terms of the results of timber  
8 management and you agreed that was it.

9 Q. Right. The results of timber  
10 management on outfitter lodges. Is the results of  
11 timber management in your experience on outfitter  
12 lodges generally positive?

13 A. Let's go back to the first part  
14 before we answer that, and I shall.

15 I am still having trouble, sir, with your  
16 table, Madam Chair, in terms of, I thought the table,  
17 as I asked a moment ago, related to the results of  
18 timber management and are you telling me it is the  
19 results of the effects of timber management?

20 Q. A result of timber management is wood  
21 supply?

22 A. Yes.

23 Q. A result of timber management is  
24 wildlife habitat?

25 A. I have no trouble with the right-hand



1 column.

2 Q. Okay. A result of timber management  
3 may be an impact on an outfitters lodge, whether you  
4 want to call it an impact, you can say a result of  
5 timber management is an impact on wood supply; correct?

6 A. Madam Chair, words convey different  
7 meanings. I don't see a result of timber management on  
8 an outfitter lodge. I see a result of timber  
9 management on the proximity to an outfitter lodge may  
10 change the environment around there, it may do  
11 whatever, but it doesn't impact the outfitter lodge.

12 I am trying to look at this as a result,  
13 and you can couch the right-hand side of table and take  
14 that same approach and utilize it on the left-hand side  
15 of the table under the column of Static.

16 I am having trouble with the examples  
17 here because in this case, as I understand it, you are  
18 talking about the outcome of effects rather than the  
19 result.

20 Q. Timber management can affect many of  
21 the forest based benefits that we receive in the  
22 province, correct?

23 A. Yes, I would agree with that.

24 Q. And those effects can be positive,  
25 negative, or neutral?

1 A. Yes, agreed.

2 Q. Now, timber management can affect  
3 outfitter lodges in terms -- at least we have heard it  
4 from a large number of lodge operators before the  
5 satellite hearings, saying timber management affects my  
6 lodge operation. You are aware of that?

7 A. Yes.

8 Q. So timber management does affect  
9 outfitter lodges?

10 A. It's not an output of timber  
11 management.

12 Q. The effect?

13 A. The effect is, but you have got --  
14 you are comparing two different things, Madam Chair, if  
15 I may, in terms of the right-hand side are outputs, the  
16 left-hand side are effects and I submit, Madam Chair,  
17 that an output is different from an effect.

18 Q. Okay. I somehow anticipate words  
19 might be the hang up in this cross-examination. It has  
20 been borne out by what's gone on for the better part of  
21 this day, but let's use your term with effects over  
22 here on the right-hand side in terms of static, the  
23 static column.

24 These are effects of timber management  
25 and in general they tend to be negative?

1                   MADAM CHAIR: No, that's exactly the  
2                   opposite of what Mr. Innes has told us. He said on the  
3                   left-hand column he believes that those are not the  
4                   effects of timber management.

5                   MR. HANNA: Excuse me, Madam Chair, I  
6                   meant to say left. Mr. Quinney has just corrected me.  
7                   I meant to say left-hand column.

8                   MADAM CHAIR: You did say left-hand  
9                   column and he said those are not effects of timber  
10                  management.

11                  MR. MARTEL: He says they are effects on,  
12                  I believe. The difference I think is the word "on". I  
13                  think he is say in the right-hand column the dynamics -  
14                  I copied it down - the results of timber management on  
15                  wood supply, an effect on wood supply what you do in  
16                  timber management. I think that's what he said. Then  
17                  we went to the left-hand side and said it doesn't -- it  
18                  affects a lodge but it is not the lodge.

19                  MADAM CHAIR: Mr. Innes has said on the  
20                  right-hand column that he thinks those are the outputs  
21                  of timber management. He thinks on the left-hand  
22                  column that those are somehow related to -- timber  
23                  management can affect those things that are grouped on  
24                  the left-hand column, but that doesn't help him out as  
25                  to how to answer your question.

1 MR. INNES: Madam Chair, you have a  
2 finely attuned ear. That is exactly what I said.

3 MADAM CHAIR: I think we are going to  
4 take a break now. We will be back and you will have  
5 all this sorted out for us, Mr. Hanna.

6 MR. HANNA: I will do my very best, Madam  
7 Chair.

8 ---Recess taken to 2:38 p.m.

9 ---On resuming to 3:00 p.m.

10 MADAM CHAIR: Please be seated.

11 Mr. Hanna?

12 MR. HANNA: Madam Chair.

13 Q. Mr. Innes, I am not going to go back  
14 to the effects on or results of or whatever. I think  
15 we understand from our last discussion that we didn't  
16 have problems with the dynamic side, it was how we  
17 described the static side and that's good from my point  
18 of view because it is the dynamic side that I am going  
19 to want to deal with you primarily with.

20 So I think we have an understanding of  
21 that and I will proceed with the understanding I have.

22 Now --

23 MR. INNES: Before you do. Madam Chair,  
24 our group does not understand the table as it is laid  
25 out, as we discussed it during the break, but if the

1 conversation is sufficient for Mr. Hanna's purposes to  
2 carry on, we are satisfied to carry on.

3 Q. That's fine. Just so you understand  
4 the way I am carrying on, is that you indicated that  
5 the examples in your view were outputs of timber  
6 management on the dynamic side of the table. That's  
7 what you said before the break. You saw those as  
8 outputs of timber management?

9 MR. INNES: A. That is correct.

10 Q. Okay. Now, these dynamic effects  
11 demand forest level analysis over time and space and  
12 are often only visible through statistical  
13 representation of the forest dynamics; would you agree  
14 to that?

15 A. I would agree that that, Madam Chair,  
16 is one way of looking at that. There have also been  
17 historical records of effects and some people manage a  
18 forest estate long enough in one location to be able to  
19 observe some of those changes, either as sequential  
20 operations or different stages of development within  
21 the same ecosystem.

22 Q. Yes, I don't disagree with that. I  
23 think what I am saying is you don't -- in terms of wood  
24 supply, it's usually represented as a yield curve over  
25 time. You can't go out and see the wood supply from a



1 --forest management unit because it changes all over the  
2 place the whole time?

3 A. I beg to differ in so much that's one  
4 of the major purposes of forest inventory.

5 Q. Right. And a forest inventory is a  
6 geographical representation of it, that's translated  
7 into statistical representation?

8 A. That's true, but that's not a yield  
9 curve. It is making a distinction between the two. It  
10 is a compilation of data, if you want to put it that  
11 way.

12 Q. Now, back to the adaptive management  
13 issue. By using the adaptive management approach,  
14 setting up these explicit cause/effect linkages,  
15 establishing quantitative objectives, they play a key  
16 role in dealing with these dynamic effects and setting  
17 management directions; agreed?

18 A. Yes, I think I would agree with that,  
19 though I am having trouble with the definition of  
20 management directions. Could you assist me in  
21 understanding what management direction means.

22 Q. First of all, deciding on that forest  
23 structure that you ultimately decide on, with all the  
24 factor that you've described should be incorporated,  
25 and then ultimately directing those individual

1 activities, those stand level activities in order to  
2 achieve that stand structure that you want over time  
3 and space. That's what I meant by management  
4 directions. Would you agree then?

5 A. Yes, I would agree with that.

6 Q. Okay. Now, another theme that was  
7 common throughout the Industry's witness panels up to  
8 this point, and I believe is present in your witness  
9 statement, and that's the concept of flexibility, the  
10 need for the timber manager to be able to make  
11 decisions at a site specific level.

12 You agree with that, you understand that  
13 concept?

14 A. Yes, I do, Madam Chair.

15 Q. And you support that concept?

16 A. Indeed we do.

17 Q. Now, in the past when we have dealt  
18 with flexibility in some of the previous witness panels  
19 of the Industry, there has been use of the term cost  
20 effective and the need to provide sufficient  
21 flexibility to use cost effective techniques.

22 You are familiar with that concept also?

23 A. Yes, I am, Madam Chair.

24 Q. And would you agree that the concept  
25 of cost effective implies a specific objective having

1       been established and the cost effective criterion being  
2       used to measure the economic efficiency of alternative  
3       ways to achieve that objective?

4                   A.   Could you repeat that, please?

5                   Q.   Certainly.  Would you agree that the  
6       concept of cost effective implies a specific objective  
7       having been established and the cost effective  
8       criterion being used to measure the economic efficiency  
9       of alternative ways to achieve that objective?

10                  I will read it a third time if you --

11                  A.   The term I am having trouble with is  
12       the economic criterion being used to measure.  Could  
13       you go on from there.

14                  Q.   It is not that long a question, I  
15       will read the whole thing again.

16                  Would you agree that the concept of cost  
17       effective implies a specific objective having been  
18       established and that the cost effective criterion is  
19       used to measure the economic efficiency of alternative  
20       ways to achieve that objective?

21                  A.   Yes, I think I would agree with that.

22                  Q.   So it follows that underlying the  
23       concept of flexibility is a need for specific  
24       objectives to direct the choice of alternative  
25       techniques to achieve the desired end result?

1                   You need the objective and then you can  
2           invoke the flexibility of the cost effective criterion  
3           that you are suggesting is important in timber  
4           management?

5                   MADAM CHAIR: Mr. Hanna, Mr. Martel has a  
6           question; and that is, when are we going to start  
7           dealing with the witness statement?

8                   MR. HANNA: Mr. Martel, my original  
9           estimate was about three hours ago, unfortunately that  
10          hasn't been possible because of the difficulties we  
11          have had in semantics.

12                   These issues that I am dealing with here  
13          are absolutely essential, in my view, for me to pursue  
14          with this panel a clear understanding of what the  
15          system is that the Industry is proposing and to ensure  
16          that the system is workable and internally consistent.

17                   If these concepts and understandings are  
18          not established at the very outset, then I can assure  
19          you, if what we have been through, the morass that we  
20          have been through up this point is any indication, it  
21          can take me three weeks to do the cross-examination.

22                   I understand that this is -- still comes  
23          up conceptual, but I can assure you that it is directly  
24          pertinent to the planning system the Industry has  
25          brought forward, and unless these concepts and

1 understandings are established at the beginning with  
2 these witnesses, I suggest to you that it would be  
3 virtually impossible to move forward and develop an  
4 understanding of the positions that are being brought  
5 forward.

6 So I appreciate the sensitivity or the  
7 concern the Board has with the length of time this is  
8 taking, but I see no way around it and I would ask that  
9 I am allowed to continue to pursue these issues  
10 because, as I say, they are fundamental to the planning  
11 system that the Industry has brought forward.

12 MADAM CHAIR: Continue, Mr. Hanna. I  
13 think you are aware of the fact that the Board has  
14 heard a great deal of evidence about the Industry's  
15 proposed planning system and we feel that we are taking  
16 a step backwards from that by going through this very  
17 long, involved explanation, but you certainly may  
18 proceed.

19 MR. HANNA: Q. Mr. Innes, I don't  
20 believe you answered my question.

21 MR. INNES: A. That's quite correct,  
22 Madam Chair, I don't recall what the question was at  
23 this point. Could you please repeat that.

24 Q. It follows that underlying the  
25 concept of flexibility and the associated need for



1 foresters to be able to invoke cost effective  
2 techniques, that there must be specific objectives to  
3 direct those choices. Would you agree?

4 A. Yes, I would agree with that.

5 Q. Is it possible to apply the cost  
6 effective criteria without a clear end point having  
7 been established?

8 A. Madam Chair, theoretically it is not  
9 and we seem to be dealing here with hypothetical,  
10 theoretical situations of textbook theory.

11 There are situations where cost, for  
12 example, does not come into consideration, inasmuch as  
13 there is no alternative except to undertake a specific  
14 technique because there is an alternative; for example,  
15 if you are in need of a wood supply, a certain species  
16 and you can get that only by planting on a certain  
17 percentage of your sites and you have to have that wood  
18 supply, I would suggest that cost is not the driving  
19 factor, Madam Chair, of that particular thing.

20 I go back to the word technique, it was  
21 one thing that you used.

22 Q. Well, let's put this in the context  
23 that the Industry is asking for flexibility. So you  
24 are saying in that case you wouldn't need flexibility  
25 because there wouldn't be any flexibility?

1                   A. That's correct. In the hypothetical  
2                   example I gave, Madam Chair, if in fact that was the  
3                   only option open to you, you had a choice of take it or  
4                   leave it, there was no flexibility. I am saying that  
5                   what you posed in this question might not be  
6                   universally applicable.

7                   Q. But where you wanted to invoke  
8                   flexibility and the cost effective criterion was being  
9                   used, you would have to be a clear end point?

10                  A. That's correct.

11                  Q. Now, in the absence of a clear end  
12                  point having been decided, is not alternative to invoke  
13                  estimating -- excuse me, to invoke restricting  
14                  standards or strictly applied mandatory guidelines in a  
15                  uniform and consistent manner?

16                  A. I don't understand that question,  
17                  could you rephrase that for me, or to least read that.

18                  Q. If we didn't have a clear end  
19                  point --

20                  A. End point being...

21                  Q. Objective.

22                  A. Objective, the target.

23                  Q. Let's keep it one, let's just talk  
24                  about -- because we will get back into definitions  
25                  again, let's just talk about objectives.

1                   In the absence of that, is not an  
2           alternative to invoke strict standards or mandatory  
3           guidelines in a uniform and consistent manner; in other  
4           words, you have to meet - to give you an example - a  
5           specific -- you have to have a specific buffer around a  
6           lake and that's mandatory; you have no choice?

7                   A. Madam Chair, I don't see that being a  
8           logical extension of there being no objective. It may  
9           be an easy way out in terms of trying to, for example,  
10          have your buffer protect everything because you don't  
11          know what you are trying to protect, but I don't see  
12          that one follows the other, because there is no  
13          objective, therefore, you would invoke strict  
14          standards.

15                   Q. But you could still use the cost  
16          effectiveness criterion, but you would use the cost  
17          effective criterion to achieve your other objectives  
18          without violating that standard that you had to work  
19          within?

20                   A. I am lost, Madam Chair. I don't know  
21          where we are at. Can you try a specific question  
22          there?

23                   Q. Okay. Let's talk about the Fish  
24          Habitat Guidelines?

25                   A. All right.

1 Q. In order to provide the flexibility  
2 that the Industry is asking for with respect to the  
3 Fish Habitat Guidelines, do you agree that for the cost  
4 effective criterion to be applied --

5 MADAM CHAIR: By whom, by the Industry?

6 MR. HANNA: Yes, Madam Chair. By whoever  
7 is undertaking the prescription of timber management  
8 activities.

9 Q. Do you agree that for the cost  
10 effective criterion to be applied, an objective in  
11 terms of quality, quantity or fisheries productivity  
12 would need to first be established? Isn't that what  
13 you just told me, you would have to know where you want  
14 to go?

15 MADAM CHAIR: Let's get this clear. The  
16 Industry or the Ministry of Natural Resources would  
17 need to know where it wants to go in your words?

18 MR. HANNA: Madam Chair, my understanding  
19 is, we are dealing with timber management and the  
20 prescriptions. In terms of timber management  
21 activities, those prescriptions are developed by  
22 whoever the forester is, whether he be a Crown  
23 forester, whether he be a company forester.

24 The flexibility that I understand the  
25 Industry is asking for is flexibility on behalf of

1 those Industry foresters in terms of prescribing  
2 specific timber management activities on specific  
3 sites. So the flexibility that is being asked for, in  
4 my understanding, is flexibility on behalf of the  
5 Industry foresters.

6 Q. Is that correct, Mr. Innes?

7 MR. INNES: A. No, I don't think it is,  
8 Madam Chair. What we are suggesting in our evidence,  
9 and you were here Mr. Hanna during that point, was that  
10 guidelines be written to protect or enhance values and  
11 in those guidelines there would be a range of  
12 acceptable activities, and those acceptable activities  
13 would be put together on the basis of three major  
14 drivers. The major driver, No. 1, being scientific  
15 knowledge; the second one being acceptable  
16 environmental impact; and the third driver being  
17 societal acceptance.

18 With the management techniques and the  
19 guidelines being put together on the basis of those  
20 three drivers it is, therefore, in our mind, acceptable  
21 for the practitioner in the system we are putting  
22 forward here, be it government or Industry, to choose  
23 one of the management techniques within the range  
24 specified in that particular guideline.

25 Going on from there to the thrust of your



1 question, I can only assume that the guidelines would  
2 be constructed in such a way that they would provide an  
3 adequate level of protection, for example, water  
4 quality in terms of some objectives which were set by  
5 the Ministry on behalf -- the Ministry of the  
6 Environment, as a matter of fact, and Natural Resources  
7 on behalf of the people of Ontario.

8 Q. Okay. But that's the point. If we  
9 set that water quality objective, we set a standard and  
10 there it is, we don't need to go any further. Why do  
11 we need flexibility?

12 A. We need flexibility because there  
13 would be, we think, in a lot of the guidelines a range  
14 of practices that are adaptable to the various sites on  
15 which there are varying site features. It might make  
16 it more appropriate to choose one rather than the other  
17 management technique.

18 Q. More appropriate in terms of  
19 achieving the implicit objective that the guidelines  
20 are structured on?

21 A. Yes, I think that's it.

22 Q. And the reason you need that  
23 flexibility is because there is so much variability in  
24 the area of the undertaking?

25 A. That is correct.

1 Q. Now, how can I invoke the cost  
2 effective criteria -- criterion of --

3 MADAM CHAIR: Of the Industry?

4 MR. HANNA: The cost effective criterion  
5 in choosing among my timber management prescriptions.

6 MADAM CHAIR: The Industry's choosing  
7 these prescriptions?

8 MR. HANNA: Whoever is undertaking the  
9 timber management planning for the area, yes, whether  
10 it be an Industry forester, whether it be a Crown  
11 forester.

12 Q. Is that not who would invoke the cost  
13 effective criterion? Who would evaluate the cost  
14 effectiveness of the alternatives?

15 MR. INNES: A. In the way our evidence  
16 was presented, it would be the plan author in  
17 conjunction with the technical expert involved or with  
18 the person with the concern involved as to how you  
19 would work out -- how you would choose between the  
20 management prescriptions contained within the guideline  
21 as to which one was most cost effective and acceptable  
22 in terms of all the things we would have in our basket  
23 of acceptability, to both the plan author, to the  
24 person with the value to be protected and to society in  
25 terms of what's contained for management techniques in

1 the guidelines.

2 Q. Great. And what we are talking about  
3 then in terms of water quality objectives, you are  
4 saying we have a specific objective we are trying to  
5 achieve, we have got a certain range of activities that  
6 may achieve that or may not achieve that, because of  
7 the site specific conditions one may be more  
8 appropriate than other to achieve that objective, I  
9 will meet the objective and do it in the most efficient  
10 way possible. Isn't that what you are saying?

11 A. Yes, I think that's correct. Maybe I  
12 can illustrate that with an example, Madam Chair,  
13 talking about water quality.

14 - There are very many different ways to  
15 cross a stream and there is an excellent handbook put  
16 together by the Ministry of Natural Resources in  
17 conjunction with the other users of the forest and --  
18 as a matter of fact, Mr. Young has a copy of it right  
19 there and it has on exhibit number on it.

20 MR. YOUNG: Exhibit 683.

21 MR. INNES: 683. And it lays out the  
22 ways of crossings streams and waterbodies, extremely  
23 practical, good handbook that takes water quality into  
24 effect.

25 Judging by -- on the basis of the type of

1 equipment a company might have at its disposal, it  
2 might, for example, choose one technique over another  
3 as being most cost effective only on the basis of that  
4 equipment being available internally within the company  
5 and readily disposable, other than having to go and  
6 rent it from someplace with operator or whatever else,  
7 or not be available at all, and that would be one  
8 criterion in terms of the cost effectiveness.

9                   And provided you chose a technique which  
10 was contained within that excellent manual, you are  
11 still within the bounds of what's acceptable, and yet  
12 you would be choosing the most cost effective  
13 technique.

14                   MR. YOUNG: Madam Chair, if I can also  
15 add from these guidelines. There is an example in here  
16 of erosion control using revegetation. In this manual  
17 they give two methods, by broadcast seeding, and they  
18 give a cost estimate per hectare and also hydro mulch  
19 and wood fiber seeding and a cost per hectare involved  
20 in that.

21                   So even in this example there are some  
22 alternatives with some costs associated with those.

23                   Q. Exactly, Mr. Young. And I guess the  
24 question I am asking you, Mr. Innes, is -- we will  
25 just take that specific example, broadcast seeding

1 versus hydro mulching. Will broadcast seeding work in  
2 all cases, in all sites across the area of the  
3 undertaking to achieve the water quality objectives  
4 that's implicit in those guidelines?

5 MR. INNES: A. Hypothetically the answer  
6 is no.

7 Q. In some cases you need to do hydro  
8 mulching because it is more effective in some  
9 circumstances to achieve that objective, correct?

10 A. That's correct.

11 Q. So underlying the choice is a cost  
12 and an objective you are trying to achieve and that's  
13 the essence of cost effectiveness?

14 A. In terms of the technique must  
15 produce the results, the answer is yes.

16 Q. Now, what I really want to deal with  
17 is moose habitat.

18 A. Moose.

19 Q. Now, in terms of flexibility with  
20 respect to the Moose Habitat Guidelines, can you use  
21 the cost effective criterion without knowing the  
22 specific objective you are trying to achieve?

23 A. We have suggested, Madam Chair, that  
24 the objective and, again, we are talking about the  
25 timber management component which we see as the



1 objective in the timber management plan as being  
2 something which is very explicitly spelled out in terms  
3 of hectares of this type of habitat, and in that  
4 respect the answer is yes, that is our objective in  
5 timber management planning, of achieving "x" number of  
6 hectares, for example, for this particular type of  
7 moose habitat.

8 Q. And if that's specified in those sort  
9 of terms, then you or your colleagues on this panel or  
10 other members of the forest industry could then use  
11 your skill as a forester to choose the most effective  
12 timber management activities to achieve that objective?

13 A. That is correct, Madam Chair.

14 Q. And that's underlying the planning  
15 system that you've brought forward?

16 A. That is correct.

17 Q. Would you agree that if a desired  
18 supply of habitat components for moose - and again I  
19 keep saying I am using moose as an example - were  
20 established early in the timber management planning  
21 process, the forest manager would then be permitted the  
22 flexibility to explore alternate forest structures and  
23 associated timber management activities that would  
24 achieve both his wood supply and habitat supply  
25 objectives simultaneously in the most cost effective

1 manner?

2 A. I look for guidance to the group, but  
3 I would say yes.

4 MR. MUNRO: A. I'm not sure, Madam  
5 Chair, whether the forest manager could do that in  
6 isolation. I would suggest there would have to be a  
7 number of other players work on that as well.

8 Q. I accept that, Mr. Munro, but  
9 accepting that there are a number of players involved,  
10 you see that as an effective way to deal with this  
11 issue?

12 A. Yes, I would agree.

13 Q. I would like to deal with the concept  
14 of bottom-up planning and I accept your comments  
15 earlier, Mr. Innes, that the Industry is proposing both  
16 the bottom-up and top-down planning approach.

17 I would like to work from the bottom-up  
18 first, if we could. Is it your understanding of the  
19 bottom-up planning approach that it requires an  
20 evaluation of production possibilities at the local  
21 level?

22 MR. INNES: A. If we use the term  
23 production possibility in the way that we defined it  
24 for Madam Chair at the beginning of this afternoon, I  
25 would say yes.

1                   Q. I think it was at the beginning of  
2 this morning, but that's beside the point. I accept  
3 the definition that you are using.

4                   A. This is the one, for the record,  
5 production possibilities are the range of stand  
6 structures that can result through the planned  
7 intervention of biological processes in the forest  
8 through the use of timber management techniques.

9                   Q. Yes. And the concept then is to  
10 aggregate these production possibilities across  
11 increasing broad areas, to move up from the local  
12 level, up ultimately to the provincial level?

13                  A. I am having trouble with that, that's  
14 a very broad statement. Since there are other uses of  
15 the forest other than timber -- timber management, be  
16 it cottaging, be it whatever, there are limitations in  
17 how you can aggregate.

18                  Q. Well, let's step back. The  
19 evaluation an production possibilities at the local  
20 level would have taken into account demands for  
21 cottaging, demands for parks, demands for whatever?  
22 That's part of the evaluation; is it not?

23                  A. You are going to have to drive it  
24 further than this in terms of telling me where you are  
25 leading with your question.

1                   In theory, Madam Chair, certainly it is  
2           possible to talk about the production possibilities for  
3           each management unit in the province and come up with a  
4           number in the end saying: Given unlimited funds,  
5           unlimited staff and unlimited time, for rotation ages  
6           we could produce "x" million cubic metres of wood.

7                   Q. I never said unlimited time, staff,  
8           money or anything like that; did I, Mr. Innes?

9                   A. No, you didn't.

10                  Q. And I didn't suggest that either.  
11           What I said was, you would look at production  
12           possibilities whether -- and I wouldn't suggest if you  
13           look at impractical production possibilities, but  
14           within the constraints, economic, staff, time  
15           constraints that you are faced with on a practical  
16           level, there is a range of production possibilities  
17           even within that context, correct, more limited  
18           obviously?

19                  A. It is limited only by geography.

20                  Q. Okay. So at the local forest  
21           management unit level we have got certain alternatives,  
22           a range of forest structures that we can achieve?

23                  A. That is correct.

24                  Q. And if we want to look at that at a  
25           broader level we have to aggregate up those production

1 possibilities to say the district level or the regional  
2 level or the provincial level?

3 A. It is possible to do that, Madam  
4 Chair.

5 Q. And it's ultimately that you come up  
6 with a feasible range of production possibilities  
7 within the province? You aggregate up to the  
8 provincial level?

9 A. Correct.

10 Q. And then starting with these feasible  
11 production possibilities at the provincial level, we  
12 invoke those political and social priorities that  
13 you've made reference to and come to some sort of  
14 collective agreement as to what the provincial  
15 objectives are?

16 A. That is precisely the way that the  
17 forest production policy was constructed the first time  
18 around, Madam Chair. The possibility of timber  
19 production at the bottom level, up to the top and then  
20 a political decision as to what the appropriate level  
21 would be to meet societal needs.

22 Q. Then the next step is to take that  
23 political decision at the provincial level and work  
24 back down and allocate to the -- ultimately to the  
25 forest management unit level?



1 A. It can be done that way, yes.

2 Q. And this is consistent with the  
3 tri-level planning approach that the Industry is  
4 proposing, going from the local level to the provincial  
5 level and back down, this iterative interactive  
6 process?

7 A. That's correct. We are talking about  
8 policy flow from the top down and feed up from the  
9 bottom and constant revision as a result of that.

10 Q. Now, would you agree that a critical  
11 component to successfully implementing this planning  
12 strategy is to carefully and fully define the production  
13 possibilities at the local level and to ensure the  
14 vertical linkage exists from the local level to the  
15 provincial level and vice versa?

16 A. Those things would be necessary, yes.

17 Q. Now, I would like to talk about the  
18 planning process that the Industry has brought forward  
19 and I am interested in knowing what needs to be done to  
20 implement it.

21 What I am getting at is this, Mr. Innes,  
22 this Board is going to be faced with at the end of this  
23 hearing, hopefully that is coming some time, with  
24 making a decision and putting in place a planning  
25 system that will have to be implemented when -- it

1 remains to be determine but it has been to be  
2 implemented ultimately, and I am sure you are well  
3 aware of that. I would like to explore with you the  
4 planning system that you have proposed in terms of how  
5 you see it being implemente in terms of what additional  
6 steps need to be done, if any, and how quickly it can  
7 be implemented, okay.

8 In your view, would it be possible to  
9 take the terms and conditions of the Industry, the  
10 Panel 10 witness statement, and implement the process  
11 immediately at the present time?

12 A. No, Madam Chair, we have a timetable  
13 for implementation contained in the latter part of our  
14 terms and conditions which phases this in. I would  
15 have to consult what the exact timing is, but there is  
16 a timetable put together. We carefully considered  
17 that.

18 Q. Now, the phasing in component, and I  
19 will try and look at this between now and the next time  
20 we are here, the phasing in component is that in terms  
21 of additional work that needs to be done to refine and  
22 define the system, or is it simply a manpower  
23 adjustment type of requirement?

24 A. For example, there would have to be a  
25 new Timber Management Planning Manual constructed which

1 would embody the instructions of the Board and that  
2 would take some time to put together, and we suggested  
3 a timeframe for that to happen.

4 The different committee level structures  
5 would have to be put in place and educated before they  
6 could be effective and there are a number of things  
7 like this, all of which we think could be done within a  
8 time frame of something in the order of a year, I  
9 believe, to a year and a half, to have it functional  
10 after that point.

11 I think the staffing requirement in terms  
12 of the Ministry of Natural Resources would be much the  
13 same, apart from some of the studies that both their  
14 terms and conditions and ours indicate that would have  
15 to be undertaken, and I believe we've laid that before  
16 the Board as to what that would entail in terms of  
17 staff, in terms of...

18 Q. The studies referring to the effects  
19 monitoring study?

20 A. Yes.

21 Q. I am sorry, Mr. Munro, in the  
22 Industry's terms and conditions on page --

23 MR. MUNRO: A. Page No. 55.

24 MR. INNES: It starts with term and  
25 condition No. 67, Madam Chair, and exhibit whatever.

1 MR. COSMAN: Actually it goes back to 63.

2 MR. MUNRO: Exhibit 1271.

3 MR. INNES: Exhibit 1271. This really  
4 started with item 63 on page 54.

5 MADAM CHAIR: What page was that, Mr.  
6 Innes.

7 MR. INNES: On page 54, Madam Chair.

8 MADAM CHAIR: Thank you.

9 MR. INNES: Item 63 is really where it  
10 begins. The timetable itself starting over on -- I  
11 guess it starts there.

12 MR. HANNA: Q. So in looking at these  
13 terms and conditions starting at 63 and continuing over  
14 to term and condition 78, much of these in fact ---  
15 there seem to be two generic types of changes you are  
16 invoking; one is rewriting of the Timber Management  
17 Planning Manual, which you've mentioned, that would be  
18 particularly condition 63 to 66; correct?

19 A. 63 to 66 is the environmental  
20 assessment document itself, which is this big green  
21 thing in front of me.

22 Q. Okay. And 67 to 73 are primarily  
23 setting up the planning committee structure; correct?

24 A. That would be correct, yes. And  
25 there is a term and condition somewhere farther back

1 that speaks to the rewriting of the...

2 Q. The timber planning management  
3 manual?

4 A. ...timber management planning  
5 manual.

6 MR. YOUNG: A. Term and Condition No.  
7 29.

8 MR. INNES: A. 29.

9 MR. YOUNG: A. Page 40.

10 Q. So if the Board were -- I take it  
11 this is your suggestion as to the rate at which you see  
12 would be practical to implement the planning system you  
13 have come forward with?

14 MR. INNES: A. That is correct, Madam  
15 Chair. It is relatively fast in terms of six months to  
16 a year at the maximum.

17 Q. Now, in terms of the system being  
18 implemented and maybe it's here, I haven't -- I must  
19 admit I did read this very carefully, but I've read a  
20 lot of things carefully since I last read it.

21 Have you proposed that the planning  
22 system would be implemented incrementally as each  
23 timber management plan came up for renewal? Is that  
24 the way you would see it being put inno effect?

25 MR. INNES: A. There is a term and



1 condition that speaks directly to that, if I can find.

2 Yes, term and condition No. 68:

3 "The integrated resources plan system for  
4 timber management will be employed for  
5 any management plan being initiated one  
6 year after acceptance by the Board..."

7 Q. Now, the audit process, it is  
8 discussed I think starting at condition 75. The audit  
9 process that's proposed would need to kick in  
10 immediately in order to meet the schedule for upcoming  
11 plans.

12 I am not sure who has referred to the  
13 audit in terms of that schedule, but we have gone  
14 through the schedule a number of times. How do you see  
15 that audit process getting in place and get going when  
16 the Board came down with its final decision and decided  
17 to go ahead with this, if they do?

18 A. We have suggested in term and  
19 condition No. 75 that it will take place within a  
20 six-months period after acceptance by the Board of the  
21 terms and conditions, Madam Chair.

22 And to make it operational, Mr. Munro can  
23 answer better than I can. There may be a -- a phase in  
24 period for many, many timber management plans to start  
25 off that way.

1 MR. MUNRO: A. That's in fact what  
2 happens, Madam Chair. We worked through the process,  
3 we did give some thought when we had phased in the  
4 independent audit and it all has to go on that  
5 condition 75, within six months, and that would allow  
6 us enough time to put an independent audit system in  
7 place and allow for two years and four months for  
8 preparation of the first plan.

9 Q. So the first plan, I want to  
10 understand, when we get start getting the Industry  
11 system in place, in fact it is the one the Board  
12 adopts, the audits starts within six months of the  
13 Board's decision and in your planning process the audit  
14 results have to be available in the replanning phase;  
15 correct?

16 A. It is on ongoing process. The  
17 independent audit is going on as the planning is being  
18 conducted by the district manager and the plan author  
19 in the preparation of the background information  
20 integrated resource database, and the audit is being  
21 done at the same time those two components are being  
22 produced and brought together in the report of past  
23 operations for future direction for the management  
24 unit.

25 Given that there has to be some time

1 allowance, that's why we allowed six months to get this  
2 thing in place, so the audit would start at the same  
3 time the preplanning started for that plan. So it  
4 doesn't -- I wouldn't want you to get the impression it  
5 takes two years and four months to put the system in  
6 place, it takes six months to put the system in place  
7 and we allowed a year for it.

8 It could take two years and four months  
9 in our system, as we have extended the timetable, but  
10 using our system almost immediately we have said within  
11 one year.

12 Q. So the first plan would be coming out  
13 after two months and four years, presuming that your  
14 timetable as implemented was put into place?

15 A. We would have the system in place and  
16 we would start planning and we would obviously have to  
17 allow some time for planning in order to get the system  
18 in place.

19 MR. INNES: A. It is a bit long, Mr.  
20 hand.

21 Q. I think I understand.

22 MR. MARTEL: When does your first audit  
23 kick in? How long does that take?

24 MR. MUNRO: The first audit would occur  
25 immediately when your first plan was due, okay. We had

1 some conceptual problems in trying to work this through  
2 in our mind as well, but it all depends when the Board  
3 comes out and makes a ruling.

4 If it is in midsummer, obviously there is  
5 going to be some delay because the plans will start  
6 January, so we wouldn't have enough time to get it in  
7 place. If it's late in the year, it is going to have  
8 to go for another year. So timing can be crucial on  
9 how fast it could be implemented.

10 MR. MARTEL: It hasn't seemed to bother  
11 this process to this time.

12 MR. MUNRO: No. But it's all key on  
13 having the first integrated resource user committee in  
14 place on January 31st, two years before the plan  
15 starts.

16 And I would suggest to you that if you  
17 come out with your ruling on December 31st after  
18 writing it over Christmas, that it wouldn't give us  
19 time to put it in place. So you would to bear with us  
20 on that part. It would take a full year.

21 MR. MARTEL: But it is a staggered audit.  
22 I mean, this is what I am having difficulty with.  
23 Where do you pick up?

24 You want to use part of the previous  
25 plan --

1                   MR. MUNRO: We are going to use all of  
2                   the previous plan.

3                   MR. MARTEL: All the previous plan two  
4                   years something of the next?

5                   MR. MUNRO: Two years of the current.

6                   MR. MARTEL: How do you kick out an  
7                   audit, then?

8                   MR. MUNRO: You start two and a half  
9                   years to the current plan. So two and a half years  
10                  from when that plan -- when you need a new plan in  
11                  place, you say: As of January 31st, the first step we  
12                  have to do is put that integrated resource user  
13                  committee in place and we have allowed January 31st to  
14                  do that. Okay.

15                  The independent audit would start  
16                  immediately as of that time because you have already  
17                  completed the two years of the current plan, you  
18                  already have hard, cold numbers for it, and it is  
19                  simply just a matter of putting it together because you  
20                  are two and a half years into the current plan.

21                  MR. MARTEL: For some?

22                  MR. MUNRO: For all.

23                  MR. INNES: I think Mr. Martel means for  
24                  some plans.

25                  MR. MUNRO: Sorry. But, no, you phase in



1 the system as the plan came up, as Mr. Hanna alluded  
2 to.

3 MR. INNES: Would it be of any help, Mr.  
4 Martel, to put the overhead back up?

5 MR. MARTEL: It certainly would.

6 MR. INNES: Do you have that, Mr. Munro.

7 MR. MUNRO: This will provide you with a  
8 little bit of cover before you go on your spring break.

9 MR. HANNA: Spring.

10 MR. MUNRO: Assuming right now you have  
11 to operate under a previous approved plan, right, so  
12 that's this current plan right here.

13 So approximately two and a half years  
14 into the current plan you would star your independent  
15 audit. Consequently, at that time you have the entire  
16 results from the previous plan and two years of this  
17 plan, right.

18 So Mr. Hanna's question is: When would  
19 you phase it in? Now, depending upon when the Board  
20 came out with their decision, that's the critical point  
21 right there in terms of where you have to do something.

22 So if you came out with a decision too  
23 close to that critical point, obviously we couldn't  
24 implement the system and we'd just have to go with the  
25 old system for that plan. So you have to pick it up

1 the next time. So ideally the best time, if you want  
2 to consider this, the best time for you to come out  
3 with some type of ruling would be around this time in  
4 June. (indicating)

5 MR. MARTEL: Which millennium?

6 MR. MUNRO: That will allow us -- if it  
7 came out in June, that would allow us six to seven  
8 months to get the infrastructure in place to actually  
9 go out and do a plan. So if you could keep that in  
10 mind that would be great.

11 If you push it into October, it is going  
12 to be very difficult to get the new plans coming up.

13 MR. MARTEL: For that group of plans that  
14 are coming due at that time.

15 MR. MUNRO: From a logistical standpoint.  
16 Do you have anymore questions on that point?

17 MR. HANNA: Q. So, Mr. Munro, there will  
18 be a group of plans that will miss the new system  
19 inevitably if there isn't two and a half years between  
20 the time that the decision comes out and the new plan  
21 has to be renewed.

22 MR. MUNRO: What I am saying is, ideally  
23 about six months before you have to start, you can pick  
24 it up on the new system, not two and a half years.

25 You always have a logistical problem in

1 this type of thing and, you know, Mr. Martel, you  
2 indicated before how do you do all these plans at one  
3 time. There has to be a logical sequence, you just  
4 can't start off, automatically have all of the planning  
5 in Ontario done under the same system, similar to, as  
6 you've seen, MNR gave evidence. They had a difficult  
7 time coming up with a plan that had all the components  
8 in terms of the current system and it would be the same  
9 thing.

10 MR. MARTEL: Do you see some of the old  
11 plans running through to completion over a number of  
12 years before they really kick into the whole new  
13 process?

14 - MR. MUNRO: They can only run for a  
15 maximum time of two and a half years before you would  
16 have to kick in the new process.

17 MR. INNES: This is what we spoke of  
18 before in terms of it couldn't be a...

19 MR. MUNRO: Mr. Freidin, you had a  
20 question.

21 MR. HANNA: Everything in its due course.

22 Q. Mr. Innes, I think this is a hard  
23 question, but I think it is an important question.

24 What time horizon is the planning process the Industry  
25 is proposing designed to serve? How long do you expect

1 it will be in place? What's its life expectancy. The  
2 process?

3 Have you designed it for the next five  
4 year, the next 20 years, or do you see this as  
5 basically the planning system that will satisfy the  
6 province's need for the foreseeable future?

7 MR. INNES: A. Madam Chair, Mr. Hanna  
8 indicated that he had read the terms and conditions and  
9 I believe we have said the whole process should be  
10 subject to revision at -- I don't have the right term  
11 and condition, maybe the other gentlemen can search for  
12 it while I am speaking. So the process we suggest  
13 would be revisited and reanalysed at a specific type  
14 span and we put that down in our terms and conditions.

15 MR. COSMAN: 60.

16 MR. INNES: It is term and condition No.  
17 60?

18 MR. COSMAN: And 61.

19 MR. INNES: 61. For six years to a  
20 maximum of ten years is what we have suggested.

21 And at the moment, Madam Chair, we think  
22 this is a planning system which is valid and which has  
23 credibility, which will be effective and should have  
24 some longevity attached to it. However, like  
25 everything else, times change, values change and we are

1 suggesting it would be open to re-examination no sooner  
2 than six years, no later than ten years as surely in  
3 that time frame it should receive scrutiny.

4 MR. HANNA: Madam Chair, I am now about  
5 to go through the witness statement in detail. I say  
6 that somewhat embarrassed at this point, seeing that it  
7 has taken this long to get this far.

8 I would like to go and until 4:30 or 5:00  
9 tonight seeing this is our last day, but I think I  
10 might run into some objection from Mr. Martel.

11 MR. MARTEL: No, I was wondering if you  
12 could do it in six minutes.

13 MR. MUNRO: Mr. Hanna, you might have to  
14 do that without the witnesses too.

15 MR. HANNA: I think, Madam Chair, this  
16 might be a convenient point to end my questions for the  
17 time being.

18 MADAM CHAIR: Thank you, Mr. Hanna.

19 MR. COSMAN: Madam Chair.

20 MADAM CHAIR: Mr. Cosman.

21 MR. COSMAN: There are just a few small  
22 matters separate and apart from the evidence.

23 First of all, as you know, there is a  
24 rule that we honour that counsel -- once witnesses are  
25 under cross-examination counsel doesn't discuss their "



1 evidence with them and the witnesses do not discuss  
2 their evidence with others. I have a small difficulty  
3 because of the six week break that we have before  
4 August.

5                   The problem is that there are some  
6 ongoing discussions and negotiations on terms and  
7 conditions with other parties, there is the July 15th  
8 draft from the MNR that we've received which we have to  
9 respond to -- June 15th which we have to respond to by  
10 July 13th. We will have the final term and conditions  
11 of MNR on August 3rd, I believe, and we ourselves are  
12 in the process of putting our terms and conditions in  
13 place by the end of September.

14                   What I would ask leave of this Board to  
15 do is to be able to -- not to stop the clock and cause  
16 any delay in any of this, but to allow me to discuss  
17 with them the ongoing issue of terms and conditions and  
18 planning, which is something that is required under the  
19 present process, but you will have and my friends have  
20 my firm undertaking that of course I will not discuss  
21 the evidence they have given, nor in any way attempt to  
22 assist them in that regard.

23                   This is something that I would not do,  
24 but because of the other commitments to this process, I  
25 have to be able to meet with them and discuss the

1 ongoing terms and conditions exercise. But I rise on  
2 this just so there wouldn't be any misunderstanding and  
3 really I am asking for leave. I have been able to  
4 speak to my friend from the MOE who had no objection to  
5 that, and I haven't really had a chance to speak to Mr.  
6 Freidin, whether he would object to that at all.

7 MADAM CHAIR: Any objections, Mr.  
8 Freidin?

9 MR. FREIDIN: I have no objection. I was  
10 going to indicate that my client as well has ongoing  
11 discussions with a number of parties and because of the  
12 short deadline for everyone getting in their final  
13 terms and conditions, I would want to have the  
14 flexibility to have my client be able to get together  
15 with OFIA or anybody else to discuss terms and  
16 conditions, many of deal with planning.

17 It presents an odd situation. It might  
18 be what I should do is just exclude myself from those  
19 discussions, but I certainly wouldn't want to lose two  
20 week of discussions on MNR's final terms and conditions  
21 once they are filed, particularly once they are filed.

22 MADAM CHAIR: Mr. Cosman, the witnesses  
23 in Panel 10 are the people with whom you--

24 MR. COSMAN: They are the key people,  
25 exactly.

1                   MADAM CHAIR:  --deal on the terms and  
2   condition matters?

3                   MR. COSMAN:  Yes.

4                   MR. HANNA:  Madam Chair, having lived  
5   through an experience with another environmental  
6   assessment on this manner, there has been a decision by  
7   the Board, and I realize different panel's decisions  
8   are not binding on all panels, but there was a decision  
9   in that -- by that panel to not only have counsel not  
10   discuss evidence with the panel, but also not to have  
11   any agents or representatives of the party also speak  
12   to the panel under cross-examination.

13                  I only raise that -- I have no objection  
14   to what Mr. Cosman has said.  I only raise it because I  
15   don't want to end up in the same sort of a morass that  
16   I found myself in in another hearing, and really it is  
17   to the attention of the panel, I think, that it is not  
18   just counsel or the agent that those discussions should  
19   not be held with, I think we should be very careful  
20   about those discussions with anyone in terms of their  
21   evidence.

22                  I have no problem with Mr. Cosman's  
23   proposal.

24                  MR. COSMAN:  I can assist the Board as to  
25   the rationale for this, and this is why I seek leave.

1                   The rationale of course is that you must  
2                   and you deserve to receive the best evidence and the  
3                   evidence of the witnesses, and if there is someone  
4                   other than a witness in a backroom or whispering  
5                   through a microphone or trying to assist the witnesses  
6                   with answers, that is improper because then you are not  
7                   getting the evidence of the witnesses themselves,

8                   As I have said, for example, if Mr. Hanna  
9                   has asked a particular difficult question which has  
10                  caught Mr. Innes offguard, I would not and could not  
11                  and would not speak to him and say: Well, by the way  
12                  you should go back and try to answer it this way. That  
13                  isn't proper. I can tell you -- and I wouldn't do  
14                  that. I only rise because of the necessity to speak to  
15                  them because of the ongoing nature of this process.

16                  When Mr. Hanna talked about a ruling from  
17                  another Board, that in fact is a principle that applies  
18                  to all tribunals and all courts. It is something -- in  
19                  a situation like this, the proper thing to do would be  
20                  to seek leave of the tribunal where there are special  
21                  circumstances and that's why I rised to ask for leave  
22                  in order to be able to do that.

23                  Again, I don't think it is necessary, but  
24                  I would certainly not discuss the evidence that these  
25                  witnesses have given or do anything to help them to



1 couch their evidence upon their return.

2 The only  
3 thing that I would do that might touch upon the  
4 evidence would be, on August 3rd we receive the final  
5 terms and conditions of the MNR and, as I indicated to  
6 you, when I started my examination-in-chief, we have  
7 two columns with comparison, I would like my witnesses  
8 to have a third column so you would see the comparison  
9 not only of the OFIA terms and conditions with what was  
10 originally proposed, but if there are any changes they  
11 be clearly delineated for you, so when you are looking  
12 at the evidence that will be before you.

13 I indicated I may be asking for leave  
14 to question them. I can't deal with it now because it  
15 has always been a matter of discussion, negotiation and  
16 draft, but on August 3rd I will their terms and  
17 conditions and you would then be able to know whether  
18 these witnesses thought those changes, if any, were  
19 supportable from an Industry perspective.

20 If I am not allowed to ask those  
21 questions, you will never know that. That's my  
22 problem.

23 MADAM CHAIR: It has been the experience  
24 of the timber management hearing that we haven't run  
25 into the pitfalls that were faced in the Ontario Waste



1 Management Corporation hearing and we assume that that  
2 continues to be the case. Counsel have conducted and  
3 agents have conducted themselves very well and we just  
4 haven't run into those difficulties and we don't  
5 expect to.

6 If there are any objections to Mr.  
7 Cosman's request, the Board would be prepared to look  
8 at delaying the terms and conditions negotiations I  
9 assume -- well, we would be prepared to do that in the  
10 face of objections, but I don't sense that there are  
11 objections from the parties and certainly the Board  
12 very much wants to get to the end of the terms and  
13 conditions exercise, so we would be inclined to grant  
14 you leave to do this, Mr. Cosman.

15 MR. COSMAN: Thank you, Madam Chair.

16 The second issue is that if any of my  
17 friends want to questions these witnesses, although I  
18 hope I won't them very often during the next month,  
19 on any matter, any documents or transcripts in order to  
20 expedite the process when we return, if they could let  
21 me know as soon as possible, then I would ensure that  
22 copied of those exhibits or documents or transcripts  
23 are made available to the witnesses before we return.  
24 That just may, again, expedite the procedure.

25 And the third point is that this --

1 it's a question of a correction on the record of a  
2 statement. Eleanor Cronk, my partner, was extremely  
3 upset at a statement that was made that she had not  
4 given notice to Ms. Swenarchuk of certain allegations.  
5 She asked me to put on the record the fact that that  
6 motion, which was argued on November 21st, was preceded  
7 by a letter, a three-page letter, and attachments faxed  
8 to Ms. Swenarchuk on November 7th, two weeks before  
9 that. Thank you.

10 MADAM CHAIR: Thank you, Mr. Cosman.,

11 MR. FREIDIN: Madam Chair, three matters.

12 One of the prime reasons, one of the hopeful things  
13 that will occur with the MNR's revised terms and  
14 conditions is better address or respond to many of the  
15 concerns of other parties and to do that discussions  
16 are necessary. I would ask leave of the Board that my  
17 client can continue discussions with the OFIA,  
18 including, if need be, members of this panel in an  
19 attempt to come to agreements which would further the  
20 terms and conditions indicating an agreement on August  
21 the 3rd. That's the first thing I would ask the Board  
22 to address.

23 MADAM CHAIR: Do any of the other parties  
24 object to that request?

25 (no response)

1 MR. FREIDIN: The second matter is the  
2 issue of the order of cross-examination. If it is  
3 agreeable with the Board, I will serve a formal Notice  
4 of Motion returnable at five o'clock on the date that  
5 we return.

6 MADAM CHAIR: August the 13th.

7 MR. FRIEDIN: August the 13th.

8 I will do that, I will provide counsel with copies of  
9 any case law or excerpts of legal text that I intend to  
10 refer to and I think that was it.

11 I think it was the last day of last year  
12 before the summer break, Madam Chair, I engaged in an  
13 activity which resulted in contribution to charity and  
14 I am not going to engage in that activity again.

15 Thank you.

16 MADAM CHAIR: Thank you, Mr. Freidin.

17 MS. SEABORN: Madam Chair, with respect  
18 to the issue of order of cross-examination, I repeat  
19 the comments that I made the other night. I think that  
20 Mr. Freidin is too late to bring such a motion in  
21 relation to Panel 10, this panel has already commenced,  
22 this matter was first raised with myself and Mr.  
23 Campbell over a month ago.

24 We advised Mr. Freidin at that time that  
25 we did not feel we could consent to changing the order

1 of cross-examination in the face of a Board order which  
2 has said we would go last. That remains to be -- that  
3 remains our position, and in fact there were  
4 discussions with other counsel in relation to the issue  
5 of order of cross-examination.

6 It was my advice from counsel from  
7 Forests for Tomorrow that if Mr. Freidin wished to  
8 reopen this issue, that they would in fact bring  
9 forward submissions to the effect that they did not  
10 understand why it was that MNR went just prior to MOE  
11 during the Industry case in terms of order of  
12 cross-examination rather than cross-examining first.  
13 You will recall that Mr. Castrilli alluded to this  
14 issue in one of the earlier panels during the Industry  
15 case.

16 We received no material from Mr. Freidin  
17 and I can tell the Board now that certainly it will be  
18 our position on August 13th that it is abusive process  
19 for the Board to even spend time at this late date  
20 considering changing the order of cross-examination for  
21 Panel 10.

22 MADAM CHAIR: Thank you, Ms. Seaborn.

23 If you have to reach the Board over the  
24 next six weeks we are going to be working for much of  
25 that time either here or at Eglinton Avenue and you

1 have the phone numbers and addresses of both those  
2 places.

3 Ms. Devaul will be leaving us in  
4 September, and so we have hired someone else to replace  
5 her and his name is Mr. Daniel Pasco and he will be  
6 starting with the Board next Tuesday. Ms. Devaul will  
7 not be leaving us until September, so in fact you will  
8 be able to speak to Ms. Devaul or Mr. Daniel Pasco.

9 MR. HANNA: Madam Chair, Mr. Pasco will  
10 be reachable at the Board's number here?.

11 MADAM CHAIR: 150 Bloor Street.

12 Ms. Devaul will be here or in Thunder Bay and you have  
13 her -- the office is open in Thunder Bay for a while  
14 longer.

15 MR. FREIDIN: Madam Chair, if I just  
16 might clarify one thing.

17 MADAM CHAIR: Yes.

18 MR. FREIDIN: One of the reasons it took  
19 some time for me to bring this motion was because I had  
20 some difficulty contacting Mr. Turkstra and I was  
21 trying to contact Mr. Turkstra for many weeks and we  
22 missed each other because I felt that it might be the  
23 Board's desire to have Mr. Turkstra here when we deal  
24 with that matter. If we wasn't, then we were going to  
25 make submissions in relation to the very issue dealt



1 with with Dean Baskerville.

2 It was only yesterday or two days ago  
3 that I finally got ahold of Mr. Turkstra in terms of  
4 his availability on August the 13th. So that is one of  
5 the reasons for the delay.

6 MADAM CHAIR: Thank you, Mr. Freidin.

7 all right. We will adjourn until August  
8 the 13th. Enjoy the summer break.

9 Thank you very much, witnesses. It is  
10 hard being on the stand the week before we break for  
11 holidays. We will see you on August the 13th.

12 ---Whereupon the hearing adjourned at 5:10 p.m., to be  
13 reconvened on Monday, August 13, 1990 commencing at  
9:00 a.m.

14 -













